

# ***NORTH CAROLINA REGISTER***

**VOLUME 13 • ISSUE 17 • Pages 1375 - 1500**

**March 1, 1999**

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Contested Case Decisions

### **PUBLISHED BY**

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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.**

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Rules Review Commission  
1307 Glenwood Ave., Suite 159  
Raleigh, North Carolina 27605  
(919) 733-2721  
(919) 733-9415 FAX  
contact: Joe DeLuca Jr., Staff Director Counsel  
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Joint Legislative Administrative Procedure Oversight Committee  
545 Legislative Office Building  
300 North Salisbury Street  
Raleigh, North Carolina 27611  
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(919) 715-5460 FAX  
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**County and Municipality Government Questions or Notification**

NC Association of County Commissioners  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-2893  
contact: Jim Blackburn or Rebecca Troutman  
NC League of Municipalities  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-4000  
contact: Paula Thomas

# NORTH CAROLINA REGISTER



**Volume 13, Issue 17**  
**Pages 1375 - 1500**

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This issue contains documents officially filed  
through February 8, 1999.

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# 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
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# NORTH CAROLINA REGISTER

## Publication Schedule

(April 1999 - January 2000)

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	end of required comment period	deadline to submit to RRC for review at next RRC meeting		
13:19	04/01/99	03/11/99	06/01/99	04/16/99	05/03/99	05/20/99	05/09/00	05/31/99	06/21/99	05/09/00	05/31/99	06/21/99	12/27/99	
13:20	04/15/99	03/24/99	06/15/99	04/30/99	05/17/99	05/20/99	05/09/00	06/14/99	06/21/99	05/09/00	06/14/99	06/21/99	01/10/00	
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## 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. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

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

### FILING DEADLINES

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

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

### NOTICE OF RULE-MAKING PROCEEDINGS

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

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

### NOTICE OF TEXT

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

### END OF REQUIRED COMMENT PERIOD

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

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

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

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

**EXECUTIVE ORDER NO. 144  
FIRST IN AMERICA: A GOAL FOR NORTH  
CAROLINA'S SCHOOLS**

WHEREAS, the young people of North Carolina must be educated and equipped to compete with anybody anywhere and capable of outworking and outthinking our competitors across the nation and around the world in the 21<sup>st</sup> Century economy; and,

WHEREAS, our children must start school healthy and ready to learn, attend good, well-built, well-equipped and safe schools, have caring, committed, excited, and inspiring teachers every year, earn high school diplomas that mean they can think for a living, go to college and acquire the skills and knowledge they'll need to get a good job, have a good career, be good citizens and provide good lives for their families; and

WHEREAS, North Carolina's elected officials, business and education leaders, teachers, parents, and all citizens are committed to excellence in education and making "First in America" a goal for North Carolina's Schools.

NOW, THEREFORE, by the power vested in me as Governor by the laws and Constitution of North Carolina, IT IS ORDERED:

Section 1. The North Carolina Education Cabinet will develop a set of "First in America Goals" to be reached by 2010.

The North Carolina Education Cabinet, chaired by the Governor and including the State Superintendent of Public Instruction, the Chairman of the State Board of Education, the President of the University of North Carolina system, and the President of the North Carolina Community Colleges, will develop a set of "First in America School Goals" by September 1, 1999. The Education Cabinet shall invite the adjunct member representing the independent colleges and universities to participate in its deliberations. These goals will set out what it will take to be First in America by 2010 and will include these measures of true excellence in education:

- 1<sup>st</sup>. Getting young children ready to start school healthy and ready to learn.
- 2<sup>nd</sup>. Putting in rigorous academic standards.
- 3<sup>rd</sup>. Ensuring that teachers are trained in the subjects they teach.
- 4<sup>th</sup>. Requiring all teachers to undergo stringent evaluations throughout their careers.
- 5<sup>th</sup>. Turning around schools where students aren't learning.
- 6<sup>th</sup>. Enforcing tough discipline policies.
- 7<sup>th</sup>. Requiring meaningful high school graduation exams.
- 8<sup>th</sup>. Getting parents, businesses and communities involved in schools.
- 9<sup>th</sup>. Finding a volunteer mentor for every child who needs one.
- 10<sup>th</sup>. Developing a report card for every school in

our state that gives parents and taxpayers information on test scores, school safety, graduation rates, teacher qualifications and related data that will tell us how we're doing and whether we're on track to be First in America by 2010.

Section 2. The State Education Commission will develop implementation strategies for each of the education sectors to assist the Education Cabinet in reaching the First in America Goals.

The State Education Commission, consisting of the Board of Governors of The University of North Carolina, the State Community College Board, and the State Board of Education, will review the First in America by 2010 Goals developed by the Education Cabinet and develop implementation strategies and time lines for each of the sectors and submit them to the Education Cabinet for approval by July 1, 2000.

Section 3. The North Carolina Research Council will design a State Education Report Card, track progress and issue an annual progress report.

The North Carolina Research Council, under the direction of the Education Cabinet and in cooperation with the Education Commission, will design a state education report card, track progress and issue an annual progress report. Data related to the First in America Goals and measures set by the Education Cabinet will be provided by the three public school sectors. The Research Council will analyze the data to determine the state's progress and publish and disseminate an annual report that reflects the overall progress of the state.

Section 4. Advisory Groups

The Education Cabinet may appoint advisory groups to assist with its work and to solicit input from education, business, and community constituents. Advisory group members shall serve without compensation but, subject to the availability of funds, shall be eligible for per diem, travel, and subsistence as provided by North Carolina rules, regulations, and General Statutes.

Section 5. Cooperation of Governmental Agencies

The heads of all state departments and agencies shall, to the extent permitted by law, provide the Education Cabinet with information required to achieve the purposes of the Order.

Section 6. Effective Date

This order is effective immediately and shall remain in effect until rescinded by the Governor.

Done in the Capital City of Raleigh, North Carolina, this the 4<sup>th</sup> day of February, 1999.



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

U.S. Department of Justice

Civil Rights Division

EJ:VLO:SMC:cly  
DJ 166-012-3  
98-3941

*Voting Section  
PO Box 66128  
Washington, D.C. 20035-6128*

February 8, 1999

Albert M. Benshoff, Esq.  
City Attorney  
P.O. Box 1388  
Lumberton, North Carolina 28359

Dear Mr. Benshoff:

This refers to the November 9, 1998, annexation and its designation to Ward 1 for the City of Lumberton in Robeson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on December 14, 1998.

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

Sincerely,

Elizabeth Johnson  
Chief, Voting Section



*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 3 - MARINE FISHERIES**

**Notice of Rule-making Proceedings** is hereby given by the NC Marine Fisheries 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 3. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 113-134; 113-182; 113-182.1; 143B-289.52

**Statement of the Subject Matter:** The Marine Fisheries Commission will consider adoption of temporary rules which implement temporary management measures that are necessary to ensure the viability of the river herring fishery while the river herring fishery management plan is being developed.

**Reason for Proposed Action:** The Marine Fisheries Commission's guidelines for preparing Fishery Management Plans require that species designated as stressed-declining or depressed on the NC Division of Marine Fisheries Stock Status Report be priority species for development of Fishery Management Plans. The updated Stock Status Report lists river herring as depressed in the Albemarle Sound area and unknown for the other systems. Consequently, a provisional plan is required within 90 days of the issuance of the Stock Status Report.

**Comment Procedures:** Written comments may be submitted to the Marine Fisheries Commission, Attention: Juanita Gaskill, PO Box 769, Morehead City, NC 28557. The Marine Fisheries Commission will consider adoption of temporary rules at a Marine Fisheries Commission Meeting to be held February 24, 1999, at the Beaufort County Community College at 4:00 p.m.

*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 10 - DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**CHAPTER 19 - SERVICES FOR THE BLIND**

**Rule-making Agency:** DHHS - Commission for the  
Blind/State Rehabilitation Council

**SUBCHAPTER 19G - VOCATIONAL  
REHABILITATION**

**Rule Citation:** 10 NCAC 19G .0823, .0827

**SECTION .0800 - HEARING PROCEDURE**

**Effective Date:** March 15, 1999

**.0823 SECRETARY'S REVIEW AND FINAL  
DECISION**

**Findings Reviewed and Approved by:** Julian Mann III

(a) ~~The Division Director~~ Either party may request an impartial review of the hearing officer's decision and ~~render the final decision~~ by the Secretary of the Department of Health and Human Services within 20 days of the receipt of the decision.

**Authority for the rule-making:** G.S. 143-545.1; 143-546.1;  
143B-157

(b) The Secretary may delegate the responsibility for reviewing the hearing officer's decision and making the final decision to another employee of the Department but shall not delegate the responsibility to any officer or employee of the Division.

**Reason for Proposed Action:** On August 7, 1998 the federal Workforce Investment Act of 1998 (P.L. 105-220) was enacted. Included in this Act were the 1998 Amendments to the Rehabilitation Act. Section 102(c) of the Rehabilitation Act Amendments made several changes to the requirements for States to establish procedures for impartial due process hearings as follows:

(c) ~~If the Division Director decides to review the hearing officer's decision, in conducting the review, the Director reviewing official shall send the written notification to both parties and allow the submission of additional evidence as required by Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, 34 C.F.R. 361.48(c)(2)(iv) and (vii), P.L. 105-220).~~ The written notification shall be given to the applicant or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

- (1) the amendments require that the procedures enable a party in an appeal to seek a review of a hearing officer's decision by the head of the designated State Agency (the Department of Health and Human Services) or an official of the Governor's Office. Previous federal law permitted a review of the hearing officer's decision by the Division Director upon his own discretion.
- (2) the amendments also specify that court review of decisions may be sought by bringing a civil action in any State Court of competent jurisdiction or any district court of the United States of competent jurisdiction. The previous federal law did not address judicial review.

(b) ~~(d)~~ The Division Director's decision to review the hearing officer's decision reviewing official's review shall be based on the following standards of review:

**Comment Procedures:** Written comments concerning this rule making action may be submitted within 60 days after the date of publication in this issue in the **North Carolina Register**. Comments must be submitted to:

Patricia Purser  
Director, Support Services  
Division of Services for the Blind  
309 Ashe Avenue  
Raleigh, NC 27606  
Phone: (919) 715-8806  
E-Mail: PPurser@dhr.state.nc.us

- (1) The hearing officer's decision shall not be arbitrary, capricious, and abuse of discretion, or otherwise unreasonable.
- (2) The hearing officer's decision shall be supported by substantial evidence, i.e. consistent with facts and applicable federal and state policy.
- (3) In reaching the decision, the hearing officer shall give appropriate and adequate interpretation to such factors as:
  - (A) the federal statute and regulations as they apply to a specific issue in question;
  - (B) the state plan as it applies to a specific issue in question;
  - (C) division procedures as they apply to a specific issue in question;
  - (D) key portions of conflicting testimony;
  - (E) division options in the delivery of services where such options are permissible under federal statute;
  - (F) restrictions in the federal statute statute with

**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.

regard to supportive services as maintenance and transportation; and

(G) approved federal or division policy as it relates to an issue in question.

(d) (c) ~~Upon a determination to review the hearing officer's decision, the Division Director~~ The reviewing official shall make the final decision and provide such decision in writing to both parties within 30 days of providing notice of intent to review the hearing officer's decision. The decision shall include a full report of the findings and the grounds for the decision, a written report thereof as required by 34 C.F.R. 361.48(e)(2)(viii) and (ix). The Division Director reviewing official shall not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual except as allowed under Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 105-220). Section 102(d)(3)(C). The final decision shall be given to ~~both the applicant or client parties~~ personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

(e) (f) The hearing officer's decision shall be the final decision under the conditions specified in ~~34 C.F.R. 361.48(e)(2)(v).~~ Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 105-220).

(f) (g) The Division Director shall forward a copy of the final decision, whether issued under (d) or (e) Paragraph (e) or (f) of this Rule, to the CAP Director, the regional rehabilitation supervisor, and the applicant's or client's representative, as appropriate. A copy shall also be included in the individual's official case record.

History Note: Authority G.S. 143-545.1; 143-546.1; 143B-157; 150B-2; 150B-23; P.L. 105-220;

Eff. December 1, 1990;

Amended Eff. January 1, 1996;

Temporary Amendment Eff. March 15, 1999.

## .0827 CIVIL ACTION

Judicial review of decisions issued pursuant to Rules .0802 through .0824 of this Section shall be as specified in ~~G.S. 150B, Article 4 with the exception of G.S. 150B-51(a) which shall not apply.~~ Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 105-220).

History Note: Authority G.S. 143-545.1; 143-546.1; 143B-157; 150B-1(d)13; 150B-2; 150B-23; P.L. 105-220;

Eff. December 1, 1990;

Temporary Amendment Eff. March 15, 1999.

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**Rule-making Agency:** DHHS - Division of Vocational Rehabilitation Services

**Rule Citation:** 10 NCAC 20B .0224, .0228

**Effective Date:** March 15, 1999

**Findings Reviewed and Approved by:** Julian Mann III

**Authority for the rule-making:** G.S. 143-545.1; 143-546.1

**Reason for Proposed Action:** On August 7, 1998 the federal Workforce Investment Act of 1998 (P.L. 105-220) was enacted. Included in this Act were the 1998 Amendments to the Rehabilitation Act. Section 102(c) of the Rehabilitation Act Amendments made several changes to the requirements for States to establish procedures for impartial due process hearings as follows:

- (1) the amendments require that the procedures enable a party in an appeal to seek a review of a hearing officer's decision by the head of the designated State Agency (the Department of Health and Human Services) or an official of the Governor's Office. Previous federal law permitted a review of the hearing officer's decision by the Division Director upon his own discretion.
- (2) the amendments also specify that court review of decisions may be sought by bringing a civil action in any State Court of competent jurisdiction or any district court of the United States of competent jurisdiction. The previous federal law did not address court review.

**Comment Procedures:** Written comments concerning this rule-making action may be submitted within 60 days after the date of publication in this issue in the **North Carolina Register**. Comments must be submitted to Jackie Stalnaker, Rule-making Coordinator, Division of Vocational Rehabilitation Services, PO Box 26053, Raleigh, NC 27611.

**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 20 - VOCATIONAL REHABILITATION

### SUBCHAPTER 20B - PROCEDURE

#### SECTION .0200 - CONTESTED CASES: ADMINISTRATIVE REVIEWS: APPEALS HEARINGS

#### .0224 SECRETARY'S REVIEW AND FINAL DECISION

(a) ~~The division director~~ Either party may request an impartial review of the hearing officer's decision and render the final decision by the Secretary of the Department of Health and Human Services within 20 days of the receipt of the decision.

(b) The Secretary may delegate the responsibility for



reviewing the hearing officer's decision and making the final decision to another employee of the Department but shall not delegate the responsibility to any officer or employee of the Division.

(c) ~~If the division director decides to review the hearing officer's decision, in conducting the review, the director reviewing official shall send the written notification to both parties and allow the submission of additional evidence as required by Sec. 102 (c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, 34 C.F.R. 361.48(e)(2)(iv) and (vii). P.L. 105-220).~~ The written notification shall be given to the applicant or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

(b) ~~(d)~~ The division director's decision to review the hearing officer's decision reviewing official's review shall be based on the following standards of review:

- (1) Is the hearing officer's decision arbitrary, capricious, an abuse of discretion, or otherwise unreasonable?
- (2) Is the hearing officer's decision supported by substantial evidence, i.e., consistent with facts and applicable federal and state policy?
- (3) In reaching the decision, has the hearing officer given appropriate and adequate interpretation to such factors as:
  - (A) the federal statute and regulations as they apply to specific issue(s) in question;
  - (B) the state plan as it applies to the specific issue(s) in question;
  - (C) division rules as they apply to the specific issue(s) in question;
  - (D) key portions of conflicting testimony;
  - (E) division options in the delivery of services where such options are permissible under the federal statute; and
  - (F) restrictions in the federal statute with regard to such supportive services as maintenance and transportation.

(d) ~~(c)~~ Upon a determination to review the hearing officer's decision, The division director reviewing official shall make the final decision and provide such decision in writing to both parties within 30 days of providing notice of intent to review the hearing officer's decision. The decision shall include a full report of the findings and the grounds for the decision, the written report thereof as required by 34 C.F.R. 361.48(e)(2)(viii) and (ix). The division director reviewing official shall not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual except as allowed under Sec. 102 (c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 102-569 105-220). Section 102(d)(3)(C). The final decision shall be given to the both applicant parties or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

(f) ~~(e)~~ The hearing officer's decision shall be the final

decision under the conditions specified in 34 C.F.R. 361.48(e)(2)(v). Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 105-220).

(g) ~~(f)~~ The division director shall forward a copy of the final decision, whether issued under (d) or (e) Paragraph (e) or (f) of this Rule, to the deputy director Chief of Operations, the CAP director, the regional director, and the applicant's or client's representative, as appropriate. A copy shall also be included in the individual's official case record.

*History Note: Authority G.S. 143-545.1; 143-546.1; 150B-1; P.L. 105-220;*

*Eff. September 1, 1989;*

*Amended Eff. April 1, 1997; October 1, 1994;*

*Temporary Amendment Eff. March 15, 1999.*

## .0228 CIVIL ACTION

Judicial review of decisions issued pursuant to Rules .0202 through .0225 of this Section shall be as specified in G.S. 150B, Article 4 with the exception of G.S. 150B-51(a) which shall not apply. Sec. 102(c) of the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998, P.L. 105-220).

*History Note: Authority G.S. 143-545.1; 143-546.1; 150B-1; P.L. 105-220;*

*Eff. September 1, 1989;*

*Temporary Amendment Eff. March 15, 1999.*



# APPROVED RULES

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of December 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

1	NCAC 05A .0101*	13:08 NCR 627
1	NCAC 05A .0108*	13:08 NCR 627
1	NCAC 05A .0112	13:08 NCR 627
1	NCAC 05B .0101 - .0102	13:08 NCR 627
1	NCAC 05B .0201*	13:08 NCR 627
1	NCAC 05B .0203*	13:08 NCR 628
1	NCAC 05B .0206*	13:08 NCR 628
1	NCAC 05B .0208*	13:08 NCR 628
1	NCAC 05B .0301*	13:08 NCR 629
1	NCAC 05B .0302 - .0303	13:08 NCR 629
1	NCAC 05B .0305 - .0306*	13:08 NCR 631
1	NCAC 05B .0309*	13:08 NCR 631
1	NCAC 05B .0310	13:08 NCR 631
1	NCAC 05B .0314 - .0317*	13:08 NCR 631
1	NCAC 05B .0401 - .0403	13:08 NCR 631
1	NCAC 05B .0503*	13:08 NCR 631
1	NCAC 05B .0601*	13:08 NCR 633
1	NCAC 05B .0701*	13:08 NCR 633
1	NCAC 05B .0801 - .0802	13:08 NCR 633
1	NCAC 05B .0905*	13:08 NCR 634
1	NCAC 05B .0906	13:08 NCR 634
1	NCAC 05B .1101 - .1102*	13:08 NCR 634
1	NCAC 05B .1105	13:08 NCR 634
1	NCAC 05B .1301	13:08 NCR 634
1	NCAC 05B .1303	13:08 NCR 634
1	NCAC 05B .1401 - .1402*	13:08 NCR 634
1	NCAC 05B .1501*	13:08 NCR 635
1	NCAC 05B .1505*	13:08 NCR 635
1	NCAC 05B .1507	13:08 NCR 635
1	NCAC 05B .1509*	13:08 NCR 635
1	NCAC 05B .1510 - .1511	13:08 NCR 635
1	NCAC 05B .1512*	13:08 NCR 636
1	NCAC 05B .1513	13:08 NCR 636
1	NCAC 05B .1517	13:08 NCR 636
1	NCAC 05B .1518 - .1520*	13:08 NCR 636
1	NCAC 05B .1521	13:08 NCR 636
1	NCAC 05B .1601 - .1605*	13:08 NCR 638
1	NCAC 05B .1901*	13:08 NCR 638
1	NCAC 05B .1903*	13:08 NCR 639
1	NCAC 05B .1906 - .1907	13:08 NCR 639
1	NCAC 05B .1909	13:08 NCR 639
1	NCAC 15 .0202 - .0203*	13:08 NCR 640

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1	NCAC 15	.0204	13:08 NCR 641
1	NCAC 15	.0207 - .0208*	13:08 NCR 641
1	NCAC 15	.0209 - .0210	13:08 NCR 641
1	NCAC 15	.0211*	13:08 NCR 641
1	NCAC 15	.0214*	13:08 NCR 641
1	NCAC 25	.0211	13:08 NCR 642
1	NCAC 25	.0212 - .0213*	13:08 NCR 642
1	NCAC 25	.0301 - .0303*	13:08 NCR 642
1	NCAC 25	.0402*	13:08 NCR 643
1	NCAC 25	.0504 - .0505	13:08 NCR 643
1	NCAC 25	.0506*	13:08 NCR 644
1	NCAC 25	.0602 - .0603*	13:08 NCR 644
1	NCAC 25	.0605*	13:08 NCR 645
1	NCAC 30F	.0305*	13:08 NCR 646
4	NCAC 01E	.0202	13:08 NCR 652
4	NCAC 01E	.0205 - .0207	13:08 NCR 652
4	NCAC 01E	.0303	13:08 NCR 652
4	NCAC 01E	.0306	13:08 NCR 652
4	NCAC 01K	.0101	13:08 NCR 652
4	NCAC 01K	.0104 - .0105	13:08 NCR 652
4	NCAC 01K	.0202 - .0206	13:08 NCR 652
4	NCAC 01K	.0301	13:08 NCR 652
4	NCAC 01K	.0401	13:08 NCR 652
4	NCAC 01K	.0404	13:08 NCR 652
10	NCAC 03U	.0305*	13:06 NCR 540
10	NCAC 03U	.1601*	13:06 NCR 540
10	NCAC 03U	.2805 - .2806*	13:06 NCR 543
10	NCAC 03U	.2810*	13:06 NCR 546
10	NCAC 14C	.1151*	13:02 NCR 198
10	NCAC 20C	.0206*	13:06 NCR 547
10	NCAC 26M	.0201 - .0203*	13:01 NCR 5
10	NCAC 26M	.0305*	13:07 NCR 588
11	NCAC 08	.0912*	13:05 NCR 488
11	NCAC 12	.0840	13:05 NCR 673
11	NCAC 12	.0841*	13:05 NCR 673
11	NCAC 12	.0842*	13:05 NCR 673
12	NCAC 09B	.0301*	13:01 NCR 6
13	NCAC 12	.0101	13:08 NCR 676
13	NCAC 12	.0104	13:08 NCR 676
13	NCAC 12	.0303*	13:08 NCR 677
13	NCAC 12	.0304	13:08 NCR 678
13	NCAC 12	.0305*	13:08 NCR 678
13	NCAC 12	.0306 - .0309	13:08 NCR 680
13	NCAC 12	.0310*	13:08 NCR 681
13	NCAC 12	.0502	13:08 NCR 681
13	NCAC 12	.0602 - .0603	13:08 NCR 681
13	NCAC 12	.0604*	13:08 NCR 682
13	NCAC 12	.0605	13:08 NCR 683
13	NCAC 12	.0701	13:08 NCR 683
13	NCAC 12	.0702*	13:08 NCR 684
13	NCAC 12	.0803 - .0807	13:08 NCR 684
13	NCAC 19	.0101 - .0102	13:08 NCR 686
13	NCAC 19	.0201	13:08 NCR 686
13	NCAC 19	.0301 - .0302	13:08 NCR 687
13	NCAC 19	.0401 - .0402*	13:08 NCR 687
13	NCAC 19	.0501*	13:08 NCR 688
13	NCAC 19	.0502	13:08 NCR 688
13	NCAC 19	.0601 - .0603	13:08 NCR 688

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13	NCAC	19	.0604*	13:08 NCR 688
13	NCAC	19	.0605	13:08 NCR 688
13	NCAC	19	.0701*	13:08 NCR 688
13	NCAC	19	.0702	13:08 NCR 688
15A	NCAC	01N	.0403*	13:04 NCR 364
15A	NCAC	01N	.0604*	13:04 NCR 366
15A	NCAC	01N	.0701*	13:04 NCR 366
15A	NCAC	01N	.0703*	13:04 NCR 367
15A	NCAC	01O	.0101	13:07 NCR 589
15A	NCAC	01O	.0102*	13:07 NCR 589
15A	NCAC	01O	.0103	13:07 NCR 590
15A	NCAC	01O	.0104 - .0105*	13:07 NCR 590
15A	NCAC	01O	.0106	13:07 NCR 591
15A	NCAC	01O	.0107*	13:07 NCR 591
15A	NCAC	01O	.0108 - .0109	13:07 NCR 591
15A	NCAC	02B	.0248 - .0251*	13:04 NCR 369
15A	NCAC	02B	.0311*	13:04 NCR 376
15A	NCAC	02D	.1208*	13:03 NCR 283
15A	NCAC	03P	.0202*	13:03 NCR 311
15A	NCAC	06E	.0107	13:08 NCR 688
15A	NCAC	07H	.0308*Amended Eff. January 1, 1999	not required, G.S. 150B-21.5
15A	NCAC	07O	.0105*	13:06 NCR 551
15A	NCAC	07O	.0202*	13:06 NCR 551
15A	NCAC	08G	.0401 - .0407*	13:02 NCR 227
15A	NCAC	08G	.0409*	13:02 NCR 229
15A	NCAC	08G	.0505*	13:02 NCR 230
15A	NCAC	08G	.0802*	13:02 NCR 232
15A	NCAC	08G	.0902*	13:02 NCR 233
15A	NCAC	10C	.0302*	13:05 NCR 492
15A	NCAC	10C	.0305*	13:05 NCR 492
15A	NCAC	10C	.0404*	12:12 NCR 1010
15A	NCAC	10C	.0405*	13:05 NCR 492
15A	NCAC	10F	.0310	12:24 NCR 2224
15A	NCAC	12B	.0901	13:05 NCR 495
15A	NCAC	18A	.0425	13:06 NCR 567
15A	NCAC	18A	.0432	13:06 NCR 567
15A	NCAC	18A	.1202*Amended Eff. January 1, 1999	not required, G.S. 150B-21.5
15A	NCAC	18A	.2612	13:06 NCR 567
15A	NCAC	18A	.2804*	13:02 NCR 237
17	NCAC	01C	.0601*	13:10 NCR 808
17	NCAC	03B	.0102 - .0104*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
17	NCAC	03B	.0106*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
17	NCAC	03B	.0108 - .0114*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
17	NCAC	04D	.0204	13:05 NCR 496
17	NCAC	04D	.0303	13:05 NCR 496
17	NCAC	04D	.0305	13:05 NCR 496
17	NCAC	04D	.0401 - .0402	13:05 NCR 496
17	NCAC	04D	.0501	13:05 NCR 496
17	NCAC	04D	.0505 - .0506	13:05 NCR 496
17	NCAC	04D	.0508	13:05 NCR 496
17	NCAC	04D	.0610	13:05 NCR 496
17	NCAC	04D	.0901 - .0903	13:05 NCR 496
17	NCAC	04D	.0907 - .0908	13:05 NCR 496
17	NCAC	04D	.1001	13:05 NCR 496
17	NCAC	04D	.1003	13:05 NCR 496

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17	NCAC	05B	.0107	13:09 NCR 760
17	NCAC	05B	.1105	13:09 NCR 760
17	NCAC	05C	.0703	13:09 NCR 760
17	NCAC	05C	.2004*	13:09 NCR 760
17	NCAC	05C	.2101 - .2102	13:09 NCR 760
17	NCAC	06B	.0104	13:09 NCR 762
17	NCAC	06B	.0110	13:09 NCR 762
17	NCAC	06B	.0606	13:09 NCR 762
17	NCAC	06B	.3203	13:09 NCR 762
17	NCAC	06B	.3206	13:09 NCR 762
17	NCAC	06B	.3207*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
17	NCAC	06B	.3719*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
17	NCAC	06B	.3901	13:09 NCR 762
17	NCAC	06B	.3904	13:09 NCR 762
17	NCAC	06B	.4004	13:09 NCR 762
17	NCAC	06C	.0124	13:09 NCR 762
17	NCAC	07B	.0104	13:09 NCR 767
17	NCAC	07B	.0206	13:09 NCR 767
17	NCAC	07B	.1301	13:09 NCR 767
17	NCAC	07B	.1303	13:09 NCR 767
17	NCAC	07B	.1602	13:09 NCR 767
17	NCAC	07B	.1704*Amended Eff. April 1, 1999	not required, G.S. 150B-1(d)(4)
17	NCAC	07B	.1801*Amended Eff. May 1, 1999	not required, G.S. 150B-1(d)(4)
17	NCAC	07B	.1905	13:09 NCR 767
17	NCAC	07B	.2201*Amended Eff. May 1, 1999	not required, G.S. 150B-1(d)(4)
17	NCAC	07B	.2212*Amended Eff. May 1, 1999	not required, G.S. 150B-1(d)(4)
17	NCAC	07B	.2802	13:10 NCR 809
17	NCAC	07B	.3201*Amended Eff. April 1, 1999	not required, G.S. 150B-1(d)(4)
17	NCAC	07B	.3301 - .3302	13:10 NCR 809
17	NCAC	07B	.3702	13:10 NCR 809
17	NCAC	07B	.5401 - .5406	13:06 NCR 552
17	NCAC	07B	.5408 - .5412	13:06 NCR 552
17	NCAC	07B	.5414 - .5424	13:06 NCR 552
17	NCAC	07B	.5428 - .5435	13:06 NCR 552
17	NCAC	07B	.5438	13:06 NCR 552
17	NCAC	07B	.5440	13:06 NCR 552
17	NCAC	07B	.5442 - .5444	13:06 NCR 552
17	NCAC	07B	.5447 - .5461	13:06 NCR 552
17	NCAC	07B	.5463	13:06 NCR 552
17	NCAC	091	.0301*Repealed Eff. January 1, 1999	not required, G.S. 150B-1(d)(4); 150B-21.5(b)(1)
19A	NCAC	06B	.0401	13:06 NCR 557
19A	NCAC	06B	.0404*	13:06 NCR 557
19A	NCAC	06B	.0405	13:06 NCR 557
19A	NCAC	06B	.0409 - .0410	13:06 NCR 557
19A	NCAC	06B	.0412	13:06 NCR 557
19A	NCAC	06B	.0413*	13:06 NCR 557
19A	NCAC	06B	.0414	13:06 NCR 557
19A	NCAC	06B	.0417 - .0418	13:06 NCR 557
21	NCAC	01	.0101	13:05 NCR 501
21	NCAC	01	.0105*	13:05 NCR 502
21	NCAC	08A	.0301*	13:08 NCR 696
21	NCAC	08A	.0308	13:08 NCR 698
21	NCAC	08A	.0310	13:08 NCR 698
21	NCAC	08A	.0315	13:08 NCR 699
21	NCAC	08F	.0107*	13:08 NCR 699



21	NCAC 08F	.0504*	13:08 NCR 699
21	NCAC 08H	.0101 - .0102*	13:08 NCR 700
21	NCAC 08I	.0104*	13:08 NCR 701
21	NCAC 08J	.0102*	13:08 NCR 701
21	NCAC 08J	.0107 - .0108*	13:08 NCR 701
21	NCAC 08J	.0110 - .0111*	13:08 NCR 702
21	NCAC 08K	.0104 - .0105*	13:08 NCR 703
21	NCAC 08M	.0102*	13:08 NCR 703
21	NCAC 08M	.0103 - .0104	13:08 NCR 704
21	NCAC 08M	.0201 - .0202	13:08 NCR 704
21	NCAC 08M	.0204*	13:08 NCR 704
21	NCAC 08M	.0206 - .0207	13:08 NCR 705
21	NCAC 08M	.0301 - .0306	13:08 NCR 705
21	NCAC 08M	.0401*	13:08 NCR 706
21	NCAC 08M	.0402 - .0403	13:08 NCR 706
21	NCAC 08N	.0202*	13:08 NCR 707
21	NCAC 08N	.0208	13:08 NCR 707
21	NCAC 08N	.0302 - .0303*	13:08 NCR 707
21	NCAC 08N	.0306 - .0307*	13:08 NCR 709
21	NCAC 32F	.0103*	13:08 NCR 709
21	NCAC 32M	.0101 - .0105*	13:08 NCR 709
21	NCAC 32M	.0106 - .0107	13:08 NCR 709
21	NCAC 32M	.0108*	13:08 NCR 709
21	NCAC 32M	.0109 - .0112	13:08 NCR 709
21	NCAC 32M	.0115	13:08 NCR 709
21	NCAC 32O	.0101 - .0117	13:08 NCR 709
21	NCAC 32R	.0101	13:08 NCR 716
21	NCAC 32R	.0102 - .0104*	13:08 NCR 716
21	NCAC 32S	.0101 - .0103*	13:08 NCR 716
21	NCAC 32S	.0104	13:08 NCR 716
21	NCAC 32S	.0105 - .0106*	13:08 NCR 716
21	NCAC 32S	.0107 - .0108	13:08 NCR 716
21	NCAC 32S	.0109 - .0111*	13:08 NCR 716
21	NCAC 32S	.0112	13:08 NCR 716
21	NCAC 32S	.0113*	13:08 NCR 716
21	NCAC 32S	.0115 - .0116	13:08 NCR 716
21	NCAC 32S	.0117*	13:08 NCR 716
21	NCAC 32S	.0118	13:08 NCR 716
21	NCAC 36	.0227*	13:08 NCR 725
21	NCAC 46	.1317*	13:06 NCR 559
21	NCAC 46	.1414*	13:06 NCR 561
21	NCAC 46	.1606	13:06 NCR 564
21	NCAC 46	.1612*	13:04 NCR 421
21	NCAC 46	.1814*	13:06 NCR 564
21	NCAC 46	.2502*	13:04 NCR 422
21	NCAC 46	.2609*	13:04 NCR 423
21	NCAC 46	.2611*	13:04 NCR 424

**TITLE 1 - DEPARTMENT OF ADMINISTRATION**

**CHAPTER 5 - PURCHASE AND CONTRACT**

**SUBCHAPTER 5A - DIVISION OF PURCHASE AND CONTRACT**

**SECTION .0100 - GENERAL**

**.0101 RESPONSIBILITY**

The Department of Administration is responsible for administering the State's program for the acquisition, management, and disposal of personal property, as well as the acquisition of services for its agencies. The Secretary of the Department of Administration (Secretary) is authorized and responsible for adopting and carrying out the rules promulgated herein. The administration of this program is

delegated to the State Purchasing Officer (SPO) who reports to the Secretary.

*History Note:* Authority G.S. 143-49;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

**.0108 FORMS: PROCEDURES: TERMS AND CONDITIONS**

The Division of Purchase and Contract establishes procedures for acquiring commodities, printing and services and prescribes forms, consistent language, terms and conditions and advertisement requirements, applicable to all agencies for such action. The procedures, forms, consistent language, terms and conditions and advertisement requirements shall be established taking into consideration market conditions and trends, legal requirements, and factors determined to be in the State's best interest. These shall be furnished to all agencies.

*History Note:* Authority G.S. 143-51; 143-53; 143-55; 143-60;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; May 1, 1988.*

**SUBCHAPTER 5B - PURCHASE PROCEDURES**

**SECTION .0200 - SPECIFICATIONS**

**.0201 TYPES OF SPECIFICATIONS**

There shall be two general types of purchase specifications. A standard specification shall be originated and developed by the Division of Purchase and Contract. It shall be comprehensive in nature and intended for repeated use. The other type of specification shall be originated by the user and modified as necessary to accomplish the intent of the rules of this Subchapter. Other type specifications may be used, including, but not limited to, "brand name or equal" or "brand specific".

*History Note:* Authority G.S. 143-49(2); 143-53;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

**.0203 DEVELOPMENT OF SPECIFICATIONS**

(a) A standard specification is intended for general use, applicable insofar as practicable to the needs of agencies and kept current by the Division of Purchase and Contract. In formulating such a specification, advisory committees made up of personnel from various agencies and the private sector may be employed for advice and assistance. This type of specification may be offered also for the review and comments of manufacturers and suppliers who may participate in future bidding on the items in question.

(b) North Carolina's purchasing program shall be built on

the principle of competition. Purchasers shall seek competitive offers, except as may be permitted by statute or rule, from qualified and responsible sources of supply. Where competition is available, every purchaser shall use/write specifications and requirements that are reasonable to satisfy the need, but not unduly restrictive, which shall encourage competition in the open market and result in the best possible contract for the commodity, printing or service needed.

*History Note:* Authority G.S. 143-49(2); 143-53;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

**.0206 SUBMISSION FOR ADOPTION**

Upon completion of all necessary studies, reviews and drafts, any proposed standard specification shall be submitted to the SPO for consideration. When a specification is adopted as a standard, it becomes applicable to agency purchases generally. A standard specification may be modified by the Division of Purchase and Contract on an interim basis as deemed necessary or advantageous until such time as the SPO can consider the proposed revision.

*History Note:* Authority G.S. 143-49(2); 143-53;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

**.0208 QUALIFIED PRODUCTS LIST**

A qualified products list (QPL) is a type of specification which may be adopted as a standard by the Division of Purchase and Contract. The essential characteristic of this procedure is the examination and prequalification of brands and models of products on the basis of samples and tests. The prequalification limits offers to products included on the list (QPL). Manufacturers may submit products for evaluation and inclusion on the list. Sources for manufacturers are the Division's active bidder mailing lists, if available, and notifications of interest received in advance from other firms. The Division may impose a deadline for submission of samples. If a product is added to the list, it is then eligible to be offered in response to a solicitation document.

*History Note:* Authority G.S. 143-49(2); 143-53;

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

**SECTION .0300 - PROCUREMENT AUTHORIZATION AND PROCEDURES**

**.0301 CONTRACTING REQUIREMENTS**

Except where a waiver, special delegation, exemption, or an emergency purchase is permitted by rule, all purchases involving the expenditure of public funds made by universities and other agencies for commodities, services and printing, not covered by statewide term contracts, shall comply with the

following delegations and procedures:

- (1) **Small Purchases:** A small purchase is defined as the purchase of commodities, services or printing, not covered by a term contract, involving an expenditure of public funds of five thousand dollars (\$5,000) or less. The executive officer of each agency, or his designee, shall set forth, in writing, purchasing procedures for making small purchases. The using agency shall award contracts for small purchases. The SPO may require a copy of the small purchase procedures be sent to the Division of Purchase and Contract.
- (2) **Purchases Governed by General Delegation or Statute:**
  - (a) For purchases made by a university or agency involving an expenditure of public funds over five thousand dollars (\$5,000), up to the benchmark established for a university under the provisions of G.S. 116-31.10, and up to the general delegation limit for agencies established by the SPO under the provisions of G.S. 143-53(a)(2):
    - (i) Competition shall be solicited;
    - (ii) Solicitation documents requesting or inviting offers shall be issued;
    - (iii) Solicitation documents shall include standard language, including terms and conditions as published by the Division of Purchase and Contract on its home web page, unless prior written approval is obtained from the Division for unusual requirements. If additional terms and conditions are used, they shall not conflict with the Division's standard terms and conditions, unless prior written approval is obtained from the Division for unusual requirements; and
    - (iv) Mailing lists, if available from the Division of Purchase and Contract, may be requested and used in addition to mailing lists maintained by the university or agency for the purpose of soliciting competition.
  - (b) Agencies and universities shall advertise their solicitations through the Division of Purchase and Contract for the following purchases:
    - (i) Agencies: For purchases involving an expenditure of public funds exceeding ten thousand dollars (\$10,000), up to the general delegation limit for an agency established by the SPO under the provisions of G.S. 143-53(a)(2);
    - (ii) Universities: For purchases involving an expenditure of public funds exceeding twenty five thousand dollars (\$25,000), up to the benchmark established for a university under the

provisions of G.S. 116-31.10.

Agencies and universities may advertise solicitations on smaller dollar purchases through the Division of Purchase and Contract.

- (c) The using agency shall award contracts under the statutory limit for universities and the general delegation for all other agencies.
- (3) **Competitive Bidding Procedure:** Where the total requirements for commodities, services or printing jobs involve an expenditure of public funds in excess of the expenditure benchmark established under the provisions of G.S. 116-31.10 or the general delegations established by the SPO under the provisions of G.S. 143-53(a)(2), the competitive bidding procedure as defined in G.S. 143-52 shall be utilized as follows:
  - (a) Sealed offers for commodities and printing shall be solicited by the Division of Purchase and Contract via advertisement;
  - (b) For service contracts, the universities and other agencies shall solicit sealed offers for their university/agency in accordance with the rules established for Sub-items (2)(a) and (b) of this Rule. After opening and completing the evaluation of offers received, the agency shall prepare a written recommendation for award, and if over the benchmark established under G.S. 116-31.10 or the general delegations established by the SPO, shall submit a copy of all offers received and their recommendation of award or other action to the Division of Purchase and Contract for approval or other action deemed necessary by the SPO (Examples: cancellation, negotiation, etc.). Notice of the Division of Purchase and Contract's decision shall be sent to the agency. The using agency shall award contracts for services;
  - (c) Sealed offers for statewide term contracts for commodities, printing and services shall be solicited by the Division of Purchase and Contract via advertisement.
- (4) For each service contract handled by the agency, the agency shall prepare a task description of the services and desired results. Task descriptions shall contain all of the following:
  - (a) The date(s) of service (The contract shall not be for more than three years including extensions and renewals, without the prior approval of the SPO for unusual requirements);
  - (b) Detailed specifications or type and level of work required;
  - (c) What the State shall furnish;
  - (d) What the contractor shall furnish;
  - (e) The method, schedule, and procedures for billing and payments; and



- (f) Other subject matters bearing on the conduct of the work.
- (5) Rules applying to service and printing contracts do not apply to local school administrative units or community colleges.

*History Note: Authority G.S. 143-49; 143-52; 143-53; 143-53.1;*

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. February 1, 1996; January 1, 1985;*

*Temporary Amendment Eff. February 15, 1998;*

*Amended Eff. April 1, 1999.*

### **.0305 PUBLIC OPENING**

(a) Advertised procurements shall be publicly opened at the time, date, and place identified in the procurement document. At the time of opening, the names of the companies, the manufacturer(s) and catalog number(s) of the item(s) they have offered and the prices, deliveries and payment terms they have submitted shall be tabulated and this tabulation shall become public record, except as provided in Paragraph (b) of this Rule.

(b) Under a two step process, the cost/price offer(s) shall not become public record until the technical offer(s) has been evaluated (first step) and then only those offerors determined by the agency which issued the solicitation document to have acceptable technical offers shall have their cost/price offers opened (second step). The cost/price offers from offerors whose technical offers were deemed unacceptable shall remain unopened. The remaining cost/price offers shall be publicly opened, and the offeror(s) with the acceptable technical offer(s) notified of the time and place for the opening. At least two agency working days notice shall be given prior to the opening. In addition, there shall be at least two agency employees present at the opening.

*History Note: Authority G.S. 143-49; 143-52; 143-53;*

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

### **.0306 LATE OFFERS, MODIFICATIONS, OR WITHDRAWALS**

No late offer, late modification, or late withdrawal shall be considered unless received before contract award, and the offer, modification, or withdrawal would have been timely but for the action or inaction of agency personnel directly serving the procurement process. The offeror shall have his offer delivered on time, regardless of the mode of delivery used, including the U.S. Postal Service or any other delivery services available.

*History Note: Authority G.S. 143-49; 143-52;*

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

### **.0309 EVALUATION**

(a) In determining the award of contracts, bona fide offers shall be considered and evaluated as provided by statute and applicable rules. The evaluation criteria to be used in determining the award of contract shall be identified in the procurement document.

(b) An unexecuted offer or an offer without a delivery time shall be rejected.

(c) During the period of evaluation and prior to award, only the information provided in the tabulation is public record. Possession of offers, including any accompanying information submitted with the offers, shall be limited to persons in the agency who are responsible for handling the offers and accompanying information, and to others determined necessary by the agency which issued the solicitation document, for the purpose of evaluation and award of contract. Offeror participation in the evaluation process shall not be permitted. Any communication with an offeror that may be necessary for purpose of clarification of its offer shall be conducted by the agency which issued the solicitation document. After award of the contract or when the need for the item or service is canceled, the complete file shall be available to any interested party with the exception of trade secrets subject to the provisions of Rules .1501 and .1518 of this Subchapter.

*History Note: Authority G.S. 143-49; 143-52; 143-53;*

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996.*

### **.0314 SOLICITATION DOCUMENTS**

(a) An alternate procurement method to the Invitation for Bids (IFB) is a Request for Proposals (RFP). When using a RFP, the rules of Subchapters 5A and 5B of this Chapter shall also apply. A RFP may also be handled as a two step process in accordance with Rule .0305 of this Section.

(b) For the purpose of Subchapters 5A and 5B of this Chapter, a solicitation document is defined as a written Request for Quotes (RFQ), RFP or an IFB.

(c) All agencies shall use the IFB or RFP document, whichever is applicable, when soliciting competition on contracts valued over twenty five thousand dollars (\$25,000). The IFB and RFP solicitation documents used by agencies shall require bidders or offerors to certify that each bid or offer is submitted competitively and without collusion.

*History Note: Authority G.S. 143-49; 143-52; 143-53; 143-54;*

*Eff. February 1, 1996;*

*Amended Eff. April 1, 1999.*

### **.0315 DIVISION OF REQUIREMENTS**

An agency shall not divide requirements in order to keep the expenditure under its benchmark or delegation and thereby avoid following the appropriate contracting requirement. In the case of similar and related items and groups of items, the dollar limits apply to the total cost rather than the cost of any single item.



*History Note: Authority G.S. 143-52; 143-53;  
Eff. April 1, 1999.*

**.0316 ADVERTISEMENT REQUIREMENTS**

(a) Unless already required by statute, all advertisements required by rule shall be through the Division of Purchase and Contract via the Division's home page on the internet. If advertisement is required by rule, the solicitation shall be advertised at least once and at least 10 days prior to the date designated for opening. This Rule does not prevent solicitation of offers by additional direct mailings or additional advertisement by an agency.

(b) Agencies required by rule to advertise their solicitations shall electronically transmit the required data directly to the Division's home page. The required data shall include the complete solicitation document (specifications, requirements, terms and conditions, etc.), with agency name, buyer name, phone number and address for accessing hard copies of the solicitation, solicitation identification number, title (a short description of the commodity, service or printing requirement), and the opening date, time and place. If the solicitation requires potential offerors to attend a mandatory conference or mandatory site visit, this information shall also be furnished with the advertisement, to include date, time, location, contact person and the contact person's phone number.

(c) Within three agency working days from the award of a contract that has been advertised through the Division, agencies shall electronically transmit an award notice directly to the Division's home page on the internet. The award notice shall be posted for at least 30 consecutive calendar days. This award notice shall identify the contract and award information.

(d) Exceptions to this Rule are as follows:

- (1) When it is deemed by the agency's executive officer or the officer's designee that there is a valid reason for the agency not to transmit the advertisement or award notice electronically, that agency may submit the data to the Division, so the Division may transmit it electronically, or the agency may place the advertisement (excluding the complete solicitation document) via newspaper. If advertised via newspaper, the agency which issued the solicitation document shall be responsible for the advertisement and the award notice shall not be required. Some valid reasons include computer equipment failure, networking difficulties, or insufficient copies of samples for a printing job.
- (2) If there is an attachment to a solicitation that the agency determines will not be electronically transmitted, then the solicitation document, when it is electronically transmitted, shall include instructions to contact the agency which issued the solicitation to obtain the attachment.
- (3) If an agency determines that it is not feasible to electronically transmit a particular solicitation document through the Division's home page, then the agency shall electronically transmit a summary notice in the same way as if it had electronically transmitted the solicitation document. The summary

notice will instruct anyone inquiring about the solicitation on the Division's home page to contact the agency for a hard copy.

*History Note: Authority G.S. 143-52; 143-53;  
Temporary Adoption Eff. February 15, 1998;  
Eff. April 1, 1999.*

**.0317 MANDATORY CONFERENCES/SITE VISITS**

(a) It is recommended, except in unusual cases, for agencies only to urge and caution potential offerors to attend scheduled conferences or site visits.

(b) When a solicitation requires potential offerors to attend a mandatory conference or mandatory site visit, the date, time, location, and other pertinent details of the conference or site visit shall be given in the solicitation document, and in the advertisement (if required by rule).

(c) If only one potential offeror attends the mandatory conference or mandatory site visit, the conference or site visit may continue to be conducted, but the solicitation shall be canceled immediately following the conference or site visit. If this occurs, the agency shall investigate why only one potential offeror was in attendance and ascertain if there is any competition available. If it is determined that competition is available, the agency shall again attempt to obtain competition by following the rules of this Subchapter, unless otherwise permitted by rule. If it is determined that there is no competition available, then the procurement may be handled as a waiver as permitted by rule.

(d) Any and all questions by a potential offeror regarding a solicitation document shall be addressed to the purchaser named on the document. Any and all revisions to the solicitation document shall be made only by written addendum from the purchaser. Verbal communications from whatever source are of no effect.

*History Note: Authority G.S. 143-52; 143-53;  
Eff. April 1, 1999.*

**SECTION .0500 - REJECTION OF OFFERS**

**.0503 NEGOTIATION**

If an agency does not receive a satisfactory offer in response to a solicitation and all offers are rejected, negotiations may be conducted with all known sources of supply that may be capable of satisfying the requirement, if it is determined by the agency that issued the solicitation document that soliciting offers again would serve no purpose. The negotiations shall be conducted by that agency if under their benchmark or delegation. Negotiations shall be conducted in writing and shall include standard language and terms and conditions issued by the Division of Purchase and Contract, unless otherwise provided by rule. If the negotiations are conducted with only one source or if only one source responds to the negotiations, the reason for lack of competition shall be documented in writing for public record. Negotiations may also be conducted under conditions that merit a waiver of competition, or in other situations that are advantageous as

determined by the SPO.

*History Note: Authority G.S. 143-52; 143-53; 143-60;  
Eff. February 1, 1996;  
Amended Eff. April 1, 1999.*

## **SECTION .0600 - PURCHASE OF USED ITEMS**

### **.0601 GENERAL PROCEDURES**

Rules of this Subchapter regarding seeking competition shall be followed wherever feasible, when it appears that the acquisition of used commodities is in the public interest.

*History Note: Authority G.S. 143-53;  
Eff. February 1, 1976;  
Readopted February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

## **SECTION .0700 - REMOVAL OF CERTAIN ITEMS FROM GENERAL CONSTRUCTION**

### **.0701 POLICY**

Every agency shall review the items being included in a construction/renovation project and remove any items that it considers are non-related to the actual construction/renovation of the building. Items that are considered commodities or just furnishings, and that would complete the project for use by the agency, shall be handled in accordance with the rules of this Chapter. Items that are usually removed for construction/renovation projects include carpet, office panel systems, food service equipment, and furniture. If an agency determines that one of these items, or any item that is normally handled as a commodity purchase, is best suited for inclusion in the construction/renovation project, the agency's justification shall be documented in writing for public record.

*History Note: Authority G.S. 143-53;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

## **SECTION .0900 - INSPECTION AND TESTING**

### **.0905 SPECIFICATIONS**

When it is determined to be advantageous, the agency which awarded the contract may authorize revisions to a contract specification, including any cost adjustment associated with any such revision, as part of contract administration. If an increase in cost results in the total contract value being more than the agency's benchmark or delegation, then prior written approval shall be obtained from the Division of Purchase and Contract, regardless of what agency initially awarded the contract.

*History Note: Authority G.S. 143-53; 143-60;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

## **SECTION .1100 - TERM CONTRACTS**

### **.1101 USE**

(a) Term contracts, known also as indefinite quantity or requirements contracts, are used generally to establish suppliers and prices of a given commodity, group of commodities, printing, or services for a period of time without guaranteed quantities being specified. Statewide term contracts consolidate normal requirements of all agencies into one agreement and shall be handled by the Division of Purchase and Contract.

(b) A term contract is a binding agreement between purchaser and seller to buy and sell certain commodities, printing, or services at certain prices and under stipulated terms and conditions. It is neither an "approved list" nor a list of approved or ceiling prices. No agency may purchase any commodities, printing, or services covered by a statewide term contract from any other sources.

(c) A term contract shall be based upon competition, where available, with the potential vendors being advised as to the agency(s)' business they are competing for and, if successful, the agency(s)' business they have earned.

(d) Agencies may handle agency specific term contracts for use by their agency if the expenditure over the term of the contract is under their benchmark or delegation, and the commodity, printing, or service is not covered by a statewide term contract.

(e) Rules applying to service and printing contracts do not apply to local school administrative units or community colleges.

*History Note: Authority G.S. 115C-522; 115D-58.5; 143-52; 143-53; 143-55;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

### **.1102 DETERMINING FACTORS**

In determining whether a product should be on a statewide term contract, the Division shall consider such factors as volume, nature of the product, repetitiveness of use, relative stability of prices, and transportation costs. In determining whether a product should be on an agency specific term contract, the agency shall consider such factors as volume, nature of the product, repetitiveness of use, relative stability of prices, and transportation costs.

*History Note: Authority G.S. 143-52; 143-53; 143-55;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999.*

## **SECTION .1400 - WAIVER OF COMPETITION**

### **.1401 POLICY**

Under conditions listed in this Rule, and otherwise if deemed to be in the public interest by the SPO or the agency, if under its delegation or benchmark, competition may be



waived. Conditions permitting waiver include cases where performance or price competition is not available; where a needed product or service is available from only one source of supply; where emergency action is indicated; where competition has been solicited but no satisfactory offers received; where standardization or compatibility is the overriding consideration; where a donation predicates the source of supply; where personal or particular professional services are required; where a particular medical product or service, or prosthetic appliance is needed; where a product or service is needed for the blind or severely disabled and there are overriding considerations for its use; where additional products or services are needed to complete an ongoing job or task; where products are bought for "over the counter" resale; where a particular product or service is desired for educational, training, experimental, developmental or research work; where equipment is already installed, connected and in service, and it is determined advantageous to purchase it; where items are subject to rapid price fluctuation or immediate acceptance; where there is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies which thwarts normal competitive procedures; where the amount of the purchase is too small to justify soliciting competition or where a purchase is being made and a satisfactory price is available from a previous contract; where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s); and where a used item(s) is available on short notice and subject to prior sale.

*History Note: Authority G.S. 143-53;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

#### **.1402 APPROVAL AND DOCUMENTATION**

Although competition may be waived pursuant to Rule .1401 of this Section, its use is required wherever practicable. Where waiver is contemplated, agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions, when the expenditure is less than their respective benchmark or delegation. A solicitation document requesting or inviting an offer(s) shall be issued by the agency, including standard language, terms and conditions issued by the Division of Purchase and Contract. Under an emergency or pressing need situation, a solicitation document requesting or inviting an offer(s) shall be issued by the agency, including standard language, terms and conditions issued by the Division, unless circumstances prohibit their use. Negotiations may also be conducted with a potential vendor(s) for contracts exceeding an agency's benchmark or delegation, but are subject to the conditions of Rule .1518 of this Subchapter, except where otherwise permitted by rule.

*History Note: Authority G.S. 143-53;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

### **SECTION .1500 - MISCELLANEOUS PROVISIONS**

#### **.1501 CONFIDENTIALITY**

(a) Trade secrets which the offeror does not wish disclosed shall be identified as follows: Each page shall be identified in boldface at the top and bottom as "CONFIDENTIAL". Cost information shall not be deemed confidential.

(b) To promote maximum competition and to protect the public competitive procedure from being used to obtain information which would normally not be available otherwise, the agency which issued the solicitation document may maintain the confidentiality of certain types of information. Such information includes trade secrets, as determined by North Carolina law, and like information as the SPO or the agency's executive officer or the officer's designee may determine to insure the integrity of the public purchasing process.

*History Note: Authority G.S. 143-52; 143-53;  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

#### **.1505 FUNDS FROM DIFFERENT SOURCES**

(a) All public funds irrespective of source, whether special, federal, local, gifts, bequests, receipts, fees, or State appropriated, used for the purchase, rental, lease, installment purchase and lease/purchase of commodities, printing and services shall be handled under the provisions of Article 3 of G.S. 143 and in accordance with rules adopted pursuant thereto by the Division of Purchase and Contract.

(b) Rules applying to service, rental, lease, and printing contracts do not apply to local school administrative units or community colleges.

*History Note: Authority G.S. 143-53; 143-60(5);  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

#### **.1509 PURCHASING FROM OR THROUGH AGENCY EMPLOYEES**

Every reasonable effort shall be made to avoid making purchases from or through employees of any agency. Prior written approval from the SPO is required in any instance which may develop of doing business with such personnel. In deciding whether to grant approval, the SPO shall consider the type item or service needed, the prevailing market conditions, whether competition is available, the cost involved, and the effects of doing business with the employee.

*History Note: Authority G.S. 143-53; 143-60(5);  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

**.1512 AVAILABILITY OF SERVICES TO CERTAIN NON-STATE AGENCIES**

(a) The Division of Purchase and Contract shall make purchasing services available to certain non-State agencies as defined by G.S. 143-49 and 143-49.1. This may be affected by budgetary allowances for personnel, time and related costs.

(b) Where a non-State agency covered by this provision elects to participate in a contract, its resulting contractual duties, obligations and responsibilities shall be the same as those required for agencies. Non-State agencies covered by this provision shall make payments to suppliers in a timely manner and in accordance with the terms of the contracts.

(c) As may be practicable in terms of personnel, time and costs, the Division may offer its services, in addition to purchasing and contracting, to non-State agencies with respect to preparing specifications and contracts for services, inspecting and testing of products, expediting deliveries and advising as to market conditions.

*History Note: Authority G.S. 143-49(6); 143-49.1; 143-52; Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

**.1518 BOARD OF AWARD**

(a) When the dollar value of a contract for the purchase, lease, or lease/purchase of commodities or printing exceeds the agency's benchmark or delegation, the Board of Award (Board) shall canvass the Division's recommended action. This also includes reporting of emergency and pressing need purchases over the agency's benchmark or delegation. The Division shall submit the Board's recommendation (award, cancellation, approval, negotiation, etc.) to the Secretary. The Secretary may either concur with the recommendation of the Board by awarding contracts or approving other recommended action, or take other action as deemed necessary. A Board of Award meeting shall be comprised of at least two voting members. The SPO or designee shall conduct the meeting and one Division employee shall take the minutes of the meeting. The Advisory Budget Commission may designate two or more voting members to serve as members of the Board. The SPO may further designate the following persons who may serve in this capacity in the absence of member(s) of the Commission:

- (1) Assistant Superintendent for Financial Services, Department of Public Instruction;
- (2) Representative from Attorney General's Office;
- (3) All Council of State members with the exception of the Governor.

These alternate members shall not further delegate this responsibility.

(b) Records shall be kept of each meeting and made public by the SPO unless there is statutory authority for keeping the record for a specific purchase confidential, and if so, that record shall be kept confidential. The Secretary may elect to proceed with the award of contracts without the recommendation of the Board in cases of emergencies or in the event that a Board is not available. In such cases, contracts awarded without Board review shall be reported to a

subsequent Board as a matter of record.

(c) Exemptions: Approval by the Secretary is not required for the following purchase actions: exemption by statute, by rule, by special delegation, or where one agency is buying from another agency or through the State Surplus Property Agency or the State Agency for Federal Surplus Property.

*History Note: Authority G.S. 143-53; 143-318.18(10);*

*Eff. February 1, 1996;*

*Amended Eff. April 1, 1999.*

**.1519 PROTEST PROCEDURES**

(a) To insure fairness to all offerors and to promote open competition, agencies and the Division of Purchase and Contract shall actively follow-up and be consistent in responding to an offeror's protest over contract awards.

(b) This Rule applies only to contracts with an actual or estimated dollar value over ten thousand dollars (\$10,000). Agencies may establish procedures to handle an offeror's concerns for contracts with less dollar value.

(c) When an offeror wants to protest a contract awarded by an agency over ten thousand dollars (\$10,000) in value, the agency and the offeror shall comply with the following:

- (1) The offeror shall submit a written request for a protest meeting to the agency's executive officer which shall be received by the agency's executive officer's office within 30 consecutive calendar days from the date of the contract award. The executive officer shall furnish a copy of this letter to the SPO within five consecutive calendar days of receipt. The offeror's letter shall contain specific reasons and any supporting documentation for why it has a concern with the award. If the letter does not contain this information, or if the executive officer determines that a meeting would serve no purpose, then the executive officer may, within 10 consecutive calendar days from the date of receipt of the letter, respond in writing to the offeror and refuse the protest meeting request. A copy of the executive officer's letter shall be forwarded to the SPO.
- (2) If the protest meeting is granted, the executive officer shall attempt to schedule the meeting within 30 consecutive calendar days after receipt of the letter, or as soon as possible thereafter. Within 10 consecutive calendar days from the date of the protest meeting, the executive officer shall respond to the offeror in writing with the executive officer's decision. A copy of the executive officer's letter shall be forwarded to the SPO.
- (3) The agency shall notify the SPO in writing of any further administrative or judicial review of the contract award.
- (4) The executive officer may appoint a designee to act on the executive officer's behalf under this Rule.

(d) When an offeror wants to protest a contract awarded by the Secretary over ten thousand dollars (\$10,000) in value, the SPO and the offeror shall comply with the following:



- (1) The offeror shall submit a written request for a protest meeting to the SPO which shall be received by the Division within 30 consecutive calendar days from the date of the contract award. The offeror's letter shall contain specific reasons and any supporting documentation for why it has a concern with the award. If the letter does not contain this information, or if the SPO determines that a meeting would serve no purpose, then the SPO may, within 10 consecutive calendar days from the date of receipt of the letter, respond in writing to the offeror and refuse the protest meeting request.
- (2) If the protest meeting is granted, the SPO shall attempt to schedule the meeting within 30 consecutive calendar days after receipt of the letter, or as soon as possible thereafter. Within 10 consecutive calendar days from the date of the protest meeting, the SPO shall respond to the offeror in writing with the SPO's decision.

*History Note: Authority G.S. 150B-2; 150B-22; 150B-23; 143-53;*

*Eff. February 1, 1996;*

*Temporary Amendment Eff. February 15, 1998;*

*Amended Eff. April 1, 1999.*

#### **.1520 DEFAULT PROCEEDINGS; DEBARMENT**

(a) The agency which issued the solicitation document resulting in the contract may find a contractor in default of contract for failing to perform in accordance with the contract requirements, terms and conditions. If a contractor is found in default of contract, the agency which issued the solicitation document resulting in the contract may take action, immediate if necessary, to purchase the needed commodities, printing or services on the open market and charge any additional cost for the commodities, printing or services and expense for doing so to the defaulting contractor. If an agency finds a contractor in default, such action and the circumstances shall be reported by the agency to the Division of Purchase and Contract in writing. This does not limit any other remedies that may be available to the State or agency.

(b) The Division may remove the contractor from any mailing lists which may be utilized and debar the contractor from doing business with the agency, or any agency, for a period of time at the discretion of the Division.

*History Note: Authority G.S. 143-49; 143-52; 143-53; 143-60;*

*Eff. February 1, 1996;*

*Amended Eff. April 1, 1999.*

### **SECTION .1600 - EXEMPTIONS, EMERGENCIES AND SPECIAL DELEGATIONS**

#### **.1601 EXEMPTIONS**

(a) Except as provided in Paragraph (c) of this Rule, it is not mandatory for the items and services listed in this Rule to be purchased through the Division of Purchase and Contract.

- (1) purchase of liquor;
- (2) perishable articles such as fresh meats;
- (3) published books, manuscripts, subscriptions to printed material, packaged copyrighted software products, and like material;
- (4) services provided by individuals by direct employment contracts with the State;
- (5) public utility services (gas, water and electricity);
- (6) telephone, telegraph and cable services furnished by those companies;
- (7) services provided which are subject to published tariff rates as established by the North Carolina Utilities Commission;
- (8) services which are merely incidental to the purchase of supplies, materials or equipment such as installation services;
- (9) contracts for construction of and structural changes to public buildings;
- (10) personal services provided by a professional individual (person) on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, attorney, architect, professional engineer, scientist or performer of the fine arts and similar professions; the exemption applies only if the individual is using his/her professional skills to perform a professional task; a personal service may also be a consulting service;
- (11) services provided directly by an agency of the State, federal or local government, or their employees when performing the service as a part of their normal governmental function.

(b) In addition to products and services exempted by statute, the SPO may exempt other products and services from purchase through the Division provided that the SPO makes findings:

- (1) that competition will not enhance the price that the State would receive for the product or service; and
- (2) that competition will not enhance the quality of the product or service that the State would receive.

(c) Contracts for bakery products and dairy products shall be awarded through the Division of Purchase and Contract, if over the agency's expenditure benchmark.

*History Note: Authority G.S. 7A-6(B); 143-53; 143-56; 143-62;*

*Eff. February 1, 1976;*

*Readopted Eff. February 27, 1979;*

*Amended Eff. April 1, 1999; February 1, 1996; May 1, 1988; July 1, 1987.*

#### **.1602 EMERGENCIES**

(a) An agency may make purchases of commodities, printing or services in the open market in cases of emergency or pressing need. For this purpose, a pressing need is one arising from unforeseen causes including, but not limited to, delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work while

emergencies are defined as situations which endanger lives, property or the continuation of a vital program and which can be rectified only by immediate, on-the-spot purchases or rental of commodities, printing or services.

(b) Agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions. A solicitation document requesting or inviting an offer(s) shall be issued, including standard language, terms and conditions issued by the Division of Purchase and Contract, unless circumstances prohibit their use.

(c) When emergency or pressing need action is necessary, and the expenditure is over the agency's benchmark or delegation, prior verbal approval shall be obtained from the Division if time permits. Subsequently, whether or not such prior approval was possible, if the expenditure is over the agency's benchmark or delegation, an explanation of the emergency or pressing need purchase shall be reported in writing to the Division. The Division shall report such purchases of commodities and printing to the Board as a matter of record.

*History Note: Authority G.S. 143-53; 143-57; 143-60; Eff. February 1, 1976; Readopted Eff. February 27, 1979; Amended Eff. April 1, 1999; February 1, 1996.*

#### **.1603 SPECIAL DELEGATIONS**

(a) The SPO may authorize, by special delegation, any agency to purchase specific commodities, printing or services without limitation as to expenditure. Such delegation is normally confined, but not limited to, commodities, printing or services which by their nature or circumstance, such as perishableness, transportation costs, local conditions or local availability, would result in handling by the Division of Purchase and Contract serving no practical purpose. Every such delegation shall be in writing and made a matter of record.

(b) The SPO may require that offers received under such delegations be sent to the Division for determination of the successful vendor.

(c) The Division shall periodically review its special delegations of purchase to ascertain the availability of these commodities, printing or services and their continued suitability for delegation.

*History Note: Authority G.S. 143-53; Eff. February 1, 1976; Readopted Eff. February 27, 1979; Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

#### **.1604 GENERAL DELEGATIONS**

The general purchasing delegation for agencies (except for the universities) shall be not more than ten thousand dollars (\$10,000). The SPO may lower or raise this general delegation for a specific agency, up to the amount established by G.S. 143-53.1, after consultation with the State Budget Officer and the State Auditor for State agencies, and upon consideration of

the agency's (except for the universities) overall capabilities, including staff resources, organizational structure, training, purchasing compliance reviews, electronic communication capabilities, and audit reports. If an agency wishes to obtain an increase in its general delegation, it shall submit a request in writing, outlining its overall capabilities, to the SPO for the SPO's consideration.

*History Note: Authority G.S. 143-53; Temporary Adoption Eff. February 15, 1998; Eff. April 1, 1999.*

#### **.1605 COMPLIANCE REVIEWS**

(a) The Division of Purchase and Contract shall conduct compliance reviews on purchasing practices at all agencies. The purpose of the compliance review shall be for determining if an agency is complying with North Carolina's purchasing statutes and rules adopted thereunder, and whether it should continue having the same level of delegation, have it reduced, or if it qualifies for an increase. A copy of the compliance report shall be provided to the agency's executive officer, the State Auditor, the State Budget Officer, the local school administrative unit's Board, any of which are applicable.

(b) The Division's staff may enter the premises and obtain an agency's purchasing records for the purpose of the compliance review. The agency shall cooperate with the Division's staff, providing them with requested records, adequate office space for conducting the review, and agency purchasing staff for discussion of purchase transactions. The Division shall not unnecessarily require of the agency any more than is needed to complete the review.

(c) The SPO may lower, or raise if requested, an agency's (excluding the universities) general delegation, if the results of a compliance review by the compliance staff of the Division merit such action as determined by the SPO. The SPO may lower the delegation to any level, including the complete removal of the delegation, depending on the nature of any violations found. The SPO shall report to the University's Board of Governors the results of any compliance review conducted at any of the universities, and shall provide to them the SPO's recommendation, based on those results, on what that university's benchmark should be.

(d) The SPO shall provide to each agency, upon request, the Division's assistance in educational training for the agency's staff, to better acquaint them with the purchasing statutes and rules.

*History Note: Authority G.S. 143-53; Eff. April 1, 1999.*

### **SECTION .1900 - RECORDS OF THE DIVISION OF PURCHASE AND CONTRACT**

#### **.1901 RECORD MAINTENANCE**

Except where State law provides to the contrary, after the award of a contract, the purchasing records of an agency are public documents, and these documents shall be maintained for a period of five years after the expiration date of the



contract.

*History Note: Authority G.S. 143-53; 143B-10(f);  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996.*

### **.1903 FILES**

(a) Each contract file shall be identified individually so it can be readily located and referenced.

(b) All purchase transactions shall be documented. As applicable, each file shall include:

- (1) Original offers if in writing, or written documentation of verbal offers received;
- (2) Reasons for award or cancellation;
- (3) Worksheets/evaluations;
- (4) Mailing list, if used;
- (5) Written justification for waiver or emergency purchase;
- (6) Tabulation of offers received;
- (7) Copy of purchase order(s);
- (8) Related correspondence;
- (9) Reason(s) for receiving only one offer in response to a solicitation;
- (10) Negotiated contracts; and
- (11) Reasons for not accepting technical proposals.

(c) After award of contract all material in the file, except confidential information, shall be open to interested persons during normal office hours, may be hand copied, or copies shall be furnished in accordance with the Public Records Act.

*History Note: Authority G.S. 143-53; 143B-10(f);  
Eff. February 1, 1976;  
Readopted Eff. February 27, 1979;  
Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987.*

## **CHAPTER 15 - COMMISSION OF INDIAN AFFAIRS**

### **SECTION .0200 - LEGAL RECOGNITION OF INDIAN GROUPS**

#### **.0202 ORGANIZATIONAL ASSISTANCE**

When a group of Indians has identified themselves they shall request organizational assistance from the Commission. The Commission shall then explain organizational options to this group and assist them in developing a representative tribal organization.

*History Note: Authority G.S. 143B-406;  
Eff. November 1, 1976;  
Amended Eff. April 1, 1999.*

#### **.0203 TRIBAL ORGANIZATIONAL OPTIONS**

(a) Each group seeking recognition shall organize itself as an Indian tribe, as defined in 1 NCAC 15 .0208, and shall meet the criteria set out in 1 NCAC 15 .0209 and .0211. Methods of tribal organization acceptable to the Commission are:

- (1) to organize a private nonprofit corporation under the laws of North Carolina, or
  - (2) to organize a tribal council.
- (b) Once recognized by the Commission, the tribal organization may represent the group both locally and at the Commission level.
- (c) The type of tribal organization shall be representative and give opportunity for all Indians in the area to be represented. When more than one group is involved, opportunity shall be given for all areas to be represented on either the tribal board of directors or the tribal council.

*History Note: Authority G.S. 143B-406;  
Eff. November 1, 1976;  
Amended Eff. April 1, 1999.*

#### **.0207 PROCEDURE FOR RECOGNITION**

The procedure to be followed for recognition shall be:

- (1) Petitioner submits a petition as set out in Rule .0204 of this Section to the Commission of Indian Affairs;
- (2) Commission certifies receipt and explains procedure to petitioner;
- (3) With assistance from the Commission, petitioner prepares a full application (may take up to one year), which is sent to the special committee on recognition;
- (4) Hearing before the special committee on recognition;
- (5) Decision is rendered by special committee on recognition;
- (6) If petitioner is not satisfied with the decision of the special committee on recognition, an appeal may be taken to the full Commission;
- (7) The decision by the full Commission shall be rendered by at least a two-thirds majority of Indian members;
- (8) If requested, an informal hearing shall be held before the full Commission;
- (9) If the decision is for recognition, the group is recognized as an Indian tribe by the state. If the decision is against recognition, petitioner may apply to the Office of Administrative Hearings for a formal hearing pursuant to G.S. 150B-23.

*History Note: Authority G.S. 143B-406; 150B-23;  
Eff. February 11, 1980;  
Amended Eff. April 1, 1999; August 1, 1988.*

#### **.0208 TRIBAL DEFINITION**

A petitioner may apply to be recognized as an "Indian tribe", defined as population of Indian people all related to one another by blood, tracing their heritage to Indian tribes indigenous to North Carolina within the last 200 years.

*History Note: Authority G.S. 143B-406;  
Eff. February 11, 1980;  
Amended Eff. April 1, 1999; February 1, 1982.*



**.0211 RECOGNITION REQUIREMENT**

Only groups tracing back to Indian tribes indigenous to North Carolina at least for the last 200 years shall be considered for recognition by the Commission.

*History Note: Authority G.S. 143B-406;  
Eff. February 11, 1980;  
Amended Eff. April 1, 1999.*

**.0214 TRIBAL ROLL**

Each petitioning group must submit to the Commission a roll of its members as a condition to recognition. The roll shall list the names and addresses of the people and relate each one to their kinship ties. This roll must be submitted prior to the recognition decision of the Commission of Indian Affairs.

*History Note: Authority G.S. 143B-406;  
Eff. February 11, 1980;  
Amended Eff. April 1, 1999; August 1, 1988.*

**CHAPTER 25 - NORTH CAROLINA  
ENVIRONMENTAL POLICY ACT**

**SECTION .0200 - NCEDP ADMINISTRATION/  
ENVIRONMENTAL IMPACT**

**.0212 ENVIRONMENTAL BULLETIN**

(a) The Environmental Bulletin shall be published twice a month by the Clearinghouse and shall contain notice of any filing with the Department of any environmental document, request for establishment of minimum criteria, or other documents and decisions as set out by this Chapter.

(b) The Environmental Bulletin shall be made available to all review agencies and shall be available to local governments, institutions, and individuals upon request.

(c) The Environmental Bulletin shall be available on the Internet at [www.doa.state.nc.us/doa/clearing/ebnet.htm](http://www.doa.state.nc.us/doa/clearing/ebnet.htm). Notices of Availability of documents received for review and comment shall be added daily to the Environmental Bulletin at this website.

*History Note: Authority G.S. 13A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999.*

**.0213 ENVIRONMENTAL POLICY ACT  
ADVISORY COMMITTEE**

(a) The Secretary of the Department of Administration or a person so designated by the Secretary, shall serve as the Chair of the Environmental Policy Act Advisory Committee.

(b) The purpose of the Committee is to provide technical advice to the Secretary of the Department on environmental issues related to the NCEPA.

(c) The Secretary shall solicit nominations for the Committee from those state departments and other organizations most involved in environmental protection. These include but are not limited to, the Departments of Cultural Resources, Health and Human Services, Environment

and Natural Resources, Justice, and Transportation. From the list of nominees, the Secretary shall select the Committee members. The Committee shall consist of no less than seven or more than 13 members.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999; May 3, 1993.*

**SECTION .0300 - MINIMUM CRITERIA**

**.0301 MINIMUM CRITERIA**

(a) State agencies may choose to establish specific minimum criteria designating minimum levels of environmental impact. Once these criteria have been approved, no filing of environmental documents shall be required for projects whose impacts do not exceed the criteria thresholds.

(b) If an agency establishes minimum criteria, the agency shall review the criteria every five years and revise them as necessary.

(c) All proposed minimum criteria and revisions to minimum criteria shall be approved by the Secretary of Administration prior to an agency's publication of Notice of Text under G.S. 150B establishing or revising such minimum criteria.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999.*

**.0302 APPROVAL OF CRITERIA**

The following procedures shall be used to gain approval of minimum criteria:

- (1) The agency shall prepare a draft list of the minimum criteria, describing the ease of measuring the criteria, and how the criteria predict the environmental impact of projects. The agency shall submit these lists to the Clearinghouse for circulation and review.
- (2) Upon receipt of these lists from the agency, the Clearinghouse shall:
  - (a) solicit written comments on the criteria from interested parties or agencies having expertise or jurisdiction by law, and shall publish a notice of the criteria in the Environmental Bulletin. The period of review is 30 calendar days from the date of publication in the Environmental Bulletin; and
  - (b) review the criteria to ensure they are consistent with Department of Administration rules and make any necessary recommendations to the agency as to consistency.
- (3) If there are no written comments and the criteria are consistent with Department of Administration rules, the criteria shall be approved by the Secretary of Administration.
- (4) If there are any written comments on the criteria, the

Clearinghouse shall forward all those received to the submitting agency, along with any Clearinghouse recommendations as to consistency.

- (5) The agency shall consider all written comments and decide whether to submit a revised list of minimum criteria to the Clearinghouse or whether to continue with its original list.
  - (a) If the agency submits a revised list, the new list of criteria shall follow the same procedure for solicitation of comments, publication of notice, and consistency review as did the original list. This process shall be continued until the agency decides it no longer wishes to make further amendments to its proposed criteria, or until no further written comment is received.
  - (b) If the agency decides to continue with its original list or no longer wishes to amend its list as provided for in Rule .0302(5)(a) of this Section, it shall notify the Clearinghouse of that decision.
- (6) The Clearinghouse shall recommend to the Secretary of Administration approval or rejection of the final list of minimum criteria based on the consideration of all written comments and the criteria's consistency.
- (7) The Clearinghouse shall notify the agency of the Secretary's approval or rejection of its proposed final list of minimum criteria.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999; May 3, 1993.*

### **.0303 REVISION OF CRITERIA**

The same process cited in Rule .0302 of this Section for initial adoption of minimum criteria shall be followed by agencies seeking to revise those minimum criteria.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999.*

## **SECTION .0400 - COMPLIANCE**

### **.0402 DOCUMENT UNDER NEPA DEEMED ADEQUATE**

If an environmental document is prepared under the provisions of the National Environmental Policy Act (NEPA) for a specific activity, and if that document is reviewed through the Clearinghouse process, then this review shall constitute compliance with the requirements of this Chapter for that activity. If a specific activity has been designated as categorically excluded from the provisions of the National Environmental Policy Act, then the requirements of this Chapter shall have been met for that activity.

*History Note: Authority G.S. 113A-11;*

*Eff. February 1, 1986;  
Amended Eff. April 1, 1999.*

## **SECTION .0500 - ENVIRONMENTAL ASSESSMENT**

### **.0506 REVIEW PROCESS**

(a) The State Project Agency must submit 16 copies of the EA and FONSI to the Clearinghouse, and any additional copies as may be requested. The Clearinghouse shall circulate these documents to state and local officials to obtain comments and shall publish a Notice of Availability in the Environmental Bulletin. In order to have a Notice of Availability published in the Environmental Bulletin, the documents must be submitted to the Clearinghouse no later than noon on the Friday preceding the publication date of the Bulletin. Reading copies shall be made available at the Clearinghouse for any interested parties. The review period is 30 calendar days after publication in the Bulletin.

(b) Each reviewing agency and any interested party may make comments on the adequacy of the documents.

(c) Based on consideration of the comments submitted, the Clearinghouse shall advise the State Project Agency as follows:

- (1) the document has been determined to lack sufficient information. Supplemental documentation which provides adequate information should be submitted to the Clearinghouse for review and comment;
- (2) the document does not satisfy a finding of no significant impact and an EIS should be prepared;
- (3) the document is adequate and the next appropriate level document should be prepared for review; or
- (4) the document is adequate and completes the review process requirements for the act.

(d) The State Project Agency may adopt or reject the Clearinghouse's recommendation.

(e) No administrative or judicial review is permitted unless undertaken in connection with review of the agency action. No other review of an environmental document is permitted.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999; May 3, 1993.*

## **SECTION .0600 - ENVIRONMENTAL IMPACT STATEMENTS**

### **.0602 SCOPING**

If an agency determines that an EIS is required on a project, it may choose to request advice from the general public and other agencies on what alternatives and issues should be addressed in the EIS. The agency must submit a copy of a scoping notice to the Clearinghouse, which shall publish the scoping notice in the Environmental Bulletin. The comment period shall be 30 calendar days after publication in the Bulletin.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;*



*Amended Eff. April 1, 1999; May 3, 1993.*

### **.0603 FORMAT AND CONTENT**

Agencies shall use a format for EIS's which will encourage good analysis and clear presentation of all alternatives, including the proposed activity while minimizing length and complexity. These documents shall not exceed 60 pages and shall include 8 1/2" x 11" site location maps. The document shall include the following:

- (1) A single cover sheet including the following information:
  - (a) designation of the document as a draft, supplementary or final statement;
  - (b) title of the proposed activity that is the subject of the statement;
  - (c) list of any involved cooperating agencies; and
  - (d) name, address, and telephone number of the person in the State Project Agency who can supply further information.
- (2) An accurate summary of the statement stressing the major conclusions, areas of controversy, and issues to be resolved. The summary shall also list all federal, state, and local permits, licenses, certifications, and other approvals which must be obtained in implementing the proposal. If there is any uncertainty about whether any one of these is necessary, it shall be so indicated.
- (3) Purpose and Need. The underlying purpose and need being responded to by the proposed activity.
- (4) Alternatives including proposed activity. Based upon information and analysis presented in Items (5) through (8) of this Rule on the affected environment and environmental consequences, the agency shall present the environmental impacts of the alternatives including the proposed activity in comparative form. To the extent possible the comparison of alternatives shall quantify how the purpose and need would be satisfied by each alternative and the proposed activity. This section of the document shall be the heart of the EIS, sharply defining the issues and providing a clear basis for choice among options by decision makers and the public. It shall also:
  - (a) explore and evaluate all reasonable alternatives, including those not within the jurisdiction of the State Project Agency and the alternative of no action;
  - (b) discuss the reasons for the elimination of alternatives from detailed study;
  - (c) identify the agency's preferred alternative(s) in the draft statement and identify such alternatives in the final statement, unless another law prohibits the expression of such a preference;
  - (d) include appropriate mitigation measures not already included in the alternatives; and
  - (e) assess the social and economic impacts of each alternative. Impacts shall be quantified

for each alternative, where feasible, but when quantification by standard economic tools is not feasible or intangibles are involved, a description of each impact is required.

- (5) Affected Environment. The EIS must describe the environment of the area(s) to be affected and the environment to be created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analysis in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced.
- (6) Environmental Consequences. This section of the document shall form the scientific and analytic basis for the comparisons under Item (4) of this Rule. It shall include:
  - (a) direct effects and significance;
  - (b) indirect effects and significance;
  - (c) cumulative effects and significance;
  - (d) the relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity;
  - (e) any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented; and
  - (f) possible conflicts between the proposed activities and the objectives of federal, state, and local plans, policies, and controls for the affected area.
- (7) List of Preparers. The EIS shall list the names and qualifications of the persons who were primarily responsible for preparing the EIS.
- (8) Appendix. If an appendix is included in an EIS, it shall meet the following requirements:
  - (a) consist of materials substantiating any analysis fundamental to the principal document, as distinct from material of lesser significance that may accompany the document or be incorporated by reference;
  - (b) be analytic and relevant to the decision to be made;
  - (c) not be counted in the EIS 60 page limit; and
  - (d) be circulated with the EIS or be readily available upon request.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999; May 3, 1993.*

### **.0605 REVIEW PROCESS**

(a) Draft EIS. Sixteen copies and any additional copies as may be requested shall be submitted by the State Project Agency and circulated for comment by the Clearinghouse as set out in Rule .0506 of this Chapter. A Notice of Availability of the EIS shall be printed in the Environmental Bulletin, and a



45 calendar-day period of review after this notice is published shall be allowed.

(b) The Clearinghouse shall forward copies of all comments made by reviewers to the State Project Agency for incorporation in the final document.

(c) Final EIS. The State Project Agency shall submit 16 copies of the final EIS and any additional copies as may be requested to the Clearinghouse. These documents shall be circulated to the original reviewers for a final review. Notice shall also be given in the Environmental Bulletin. Thirty calendar days after publication of the Bulletin shall be allowed for final review.

(d) Based on consideration of the comments submitted, the Clearinghouse shall advise the State Project Agency as follows:

- (1) the document has been determined to lack sufficient information. Supplemental documentation which provides adequate information should be submitted to the Clearinghouse for review and comment;
- (2) a final EIS should be prepared for review addressing the comments submitted; or
- (3) the document is adequate and completes the review process requirements for the act.

(e) The State Project Agency may adopt or reject the Clearinghouse's recommendation.

(f) No administrative or judicial review is permitted unless undertaken in connection with review of the agency action. No other review of an environmental document is permitted.

*History Note: Authority G.S. 113A-11;*

*Eff. February 1, 1986;*

*Amended Eff. April 1, 1999; May 3, 1993.*

## **CHAPTER 30 - STATE CONSTRUCTION**

### **SUBCHAPTER 30F - STATE BUILDING COMMISSION CONTRACTOR EVALUATION PROCEDURES**

#### **SECTION .0300 - EVALUATION OF CONTRACTORS**

##### **.0305 EVALUATION REVIEW**

(a) SCO shall maintain contractor evaluation data. This data shall be maintained on an individual job basis, and shall also be maintained cumulatively by contractor (based on contractor license number). The contractor evaluation data shall be that information prepared by the Capital Projects Coordinator during the evaluation process set forth in this Subchapter. All numerical ratings shall be given pursuant to Rule .0302 of this Section and shall evaluate those phases of the work set out in Rule .0301 of this Section; the form called for in Rule .0103(8) of this Subchapter shall be used exclusively for this purpose.

(b) The data maintained by the SCO shall reflect performance history for a period of five years. All evaluation data on completed projects over five years old shall be removed from SCO files and shall not be used as a factor in

the cumulative evaluation.

(c) A contractor whose cumulative evaluation falls below a mark of 3.5 shall be determined to have provided an unsatisfactory level of performance and may not be allowed to bid on or serve as a sub-contractor on State capital improvement projects during a corrective period. All references to pre-bid disqualification status in this Section shall also be considered to apply to disqualification of a prime contractor to serve as a sub-contractor on State capital improvement projects during the disqualification period.

(d) To be utilized for pre-bid disqualification, a prime contractor's cumulative evaluation must be based on a minimum of three evaluations on at least three separate capital projects. Further, if a contractor is assigned a single final evaluation of 2.5 or lower, this action alone shall be sufficient to call the contractor's performance into question and may result in pre-bid disqualification during a corrective period.

(e) In both instances, i.e., a cumulative mark falling below 3.5 or a single evaluation of 2.5 or lower, the SCO shall convene a panel of five persons to review the evaluation and make a recommendation to the SBC. (A single final evaluation of 2.5 or lower, when applied to the cumulative total, shall not initiate further immediate review if it causes the cumulative rating to fall below 3.5.) The panel shall consist of three design/construction professional State employees of which a minimum of one employee shall be a licensed architect or engineer as appointed by the Director of State Construction and two members of the SBC as appointed by the Chairman of the Commission of which a minimum of one shall be a licensed contractor.

(f) The panel may recommend to the State Building Commission either of the following actions as a result of its review:

- (1) disqualification of the contractor from bidding and placement of the contractor in a pre-bid disqualification status for a corrective period of two years;
- (2) rejection of disqualification but issuance of a warning to the contractor that continued poor performance may result in disqualification.

The SCO shall retain file copies of the ratings, disqualifications and warnings.

(g) In all instances, notification of a contractor having been assigned to a pre-bid disqualification status or having been issued a warning shall be by the Chairman of the State Building Commission and only then after review and approval by the Commission of the disqualification or warning action.

(h) The disqualification as approved by the Commission shall be for a period of two years. The two-year period is intended to provide opportunity for a contractor to implement significant corrective action to improve performance. At the completion of the two-year period, the prime contractor may make application for reinstatement to the qualified bidders list; reinstatement shall be subject to action by the SBC. In the application for reinstatement, the contractor shall set out the improvements that have been made to correct the specific areas in which the contractor was scored below 3.5 in its cumulative evaluation. If the improvements listed and the investigation of

the contractor made by the SBC are such that the Commission forecasts the contractor's performance would be 3.5 or above if reinstated, then the SBC shall reinstate the contractor to the qualified bidders list. If the SBC approves reinstatement, the contractor's pre-bid disqualification shall be removed, thus allowing the contractor to bid.

(i) Removal of a contractor from the pre-bid disqualification status, upon approval by the SBC, shall involve deletion of all evaluations from the State Construction Office's records.

(j) If a contractor has been removed from the qualified bidders list by virtue of accumulated evaluations falling below 3.5 and routine removal of five-year old evaluations causes the contractor to achieve an overall evaluation score of 3.5 or higher, the contractor shall not be automatically reinstated to the qualified bidders list but rather must remain in a disqualified status for a total of two years with reinstatement considered by the SBC as outlined in this Rule. If after the two-year corrective period the SBC does not approve removal of a contractor from the pre-bid disqualification status, the prime contractor may reapply after a period of 12 months and annually thereafter until the pre-bid disqualification status is removed.

(k) Lists of all contractors who are in a pre-bid disqualification status shall be maintained by the SCO. Prior to bid opening, the project designer shall obtain from the SCO a list of those contractors in a pre-bid disqualification status and shall ensure that no bids for State capital improvement projects shall be read from a contractor in such status.

*History Note: Authority G.S. 143-135.26(4);*

*Eff. January 1, 1992;*

*Amended Eff. April 1, 1999.*

## **TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **CHAPTER 3 - FACILITY SERVICES**

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

##### **SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE**

###### **.0305 REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER**

(a) Prior to the issuance of an initial one-star rating, a center shall comply with all minimum requirements in G.S. 110-91 and this subchapter at the time the program is assessed.

(b) To maintain a one-star rated license, a program shall have a compliance history of 60% or higher as assessed by the Division.

(c) The Division shall assess the compliance history of a center by evaluating the violations of requirements that have occurred over the previous three years or during the length of time the center began operating, whichever is less. Demerits

shall be assigned for each occurrence of violations of these requirements: supervision of children (6 points), staff/child ratio (6 points), staff qualifications and training (2-5 points), health and safety practices (3-6 points), discipline (6 points), developmentally appropriate activities (2-4) points), adequate space (6 points), nutrition and feeding practices (1-3) points, program records (1-3 points), sanitation inspections (6 points), nutrition and feeding practices (1-3 points), program records (1-3 points), sanitation inspections (6 points), and transportation (1-3 points), if applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be averaged over three years for the compliance history percentage referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Section.

(d) A one-star rated license shall be issued to a child care center that complies with the requirements described in this Rule.

(e) An "A" or "AA" license remains valid until action is taken to change to a license with a star rating.

(f) Nothing in this Section is to preclude or interfere with issuance of an administrative action as allowed by G.S. 110 and this Subchapter.

*History Note: Authority G.S. 110-90; 110-91; 143B-168.3;  
Eff. April 1, 1999.*

## **SECTION .1600 - AA REQUIREMENTS**

### **.1601 ADMINISTRATIVE POLICIES REQUIRED**

AA centers and other centers seeking a two through five star rated license through the voluntary enhanced program standards shall have administrative policies and practices which provide for responsible selection and training of staff, on-going communication with and opportunities for participation by parents, sound operational and fiscal management, and objective evaluation of the program, management and staff in accordance with the rules of this Section.

*History Note: Authority G.S. 110-88(7); 143B-168.3;  
Eff. January 1, 1986;*

*Amended Eff. April 1, 1999; November 1, 1989; July 1, 1988.*

## **SECTION .2800 - VOLUNTARY RATED LICENSES**

### **.2805 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS**

(a) To achieve two points for compliance history standards for a star rating, a center shall have a compliance history rating of 65% or higher as assessed by the Division.

(b) To achieve three points for compliance history standards



for a star rating, a center shall have a compliance history rating of 70% or higher as assessed by the Division.

(c) To achieve four points for compliance history standards for a star rating, a center shall have a compliance history rating of 75% or higher as assessed by the Division.

(d) To achieve five points for compliance history standards for a star rating, a center shall have a compliance history rating of 80% or higher as assessed by the Division.

(e) The Division shall assess the compliance history by evaluating the violations of requirements that have occurred over the previous three years or during the length of time the center has been operating, whichever is less. Demerits shall be assigned for each occurrence of violations of these requirements: supervision of children (6 points), staff/child ratio (6 points), staff qualifications and training (2-5 points), health and safety practices (3-6 points), discipline (6 points), developmentally appropriate activities (2-4 points), adequate space (6 points), nutrition and feeding practices (1-3 points), program records (1-3 points), sanitation inspections (6 points), and transportation (1-3 points), if applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be averaged over three years for the compliance history percentages referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Subsection.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;*

*Eff. April 1, 1999.*

**.2806 PROGRAM STANDARDS FOR A RATED  
LICENSE FOR FAMILY CHILD CARE  
HOMES**

(a) To achieve two points for program standards for a star rating, the operator shall have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice.

(b) To achieve three points for program standards for a star rating, the operator shall:

- (1) Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and
- (2) Have an average score of 4.0 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care.

(c) To achieve four points for program standards for a star rating, the operator shall:

- (1) Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and
- (2) Have an average score of 4.5 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care; and
- (3) Be a member of a national, state, or local professional organization.

(d) To achieve five points for program standards for a star rating, the operator shall:

- (1) Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and
- (2) Have an average score of 5.0 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care; and
- (3) Be a member of a national, state, or local professional organization; and
- (4) Of the five preschoolers allowed to be enrolled, no more than three children shall be under one year of age.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;*

*Eff. April 1, 1999.*

**.2810 HOW AN OPERATOR MAY REQUEST OR  
APPEAL A CHANGE IN RATING**

(a) An operator may request a change in the star rating by following the procedures in Rule .2802 of this Section.

(b) The Division may wait to perform an assessment of the facility requesting an increased rating until it has been at least six months since the last rating change.

(c) After an initial three- through five-star rating is issued, the Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) of this Section during each three year period thereafter at no cost to the operator. An operator may have extra rating scale assessments as referenced in Rule .2802(e) of this Section performed at his or her own expense in addition to the free one performed by the Division. The additional rating scale assessments shall be completed by individuals approved by the Division to perform them. Approval shall be based upon the individual's successful completion of training



designated or authorized by the authors of the environment rating scales.

(d) An operator may appeal the reduction of a star rating as provided in G.S. 150B-23.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;*

*Eff. April 1, 1999.*

## **CHAPTER 14 - MENTAL HEALTH: GENERAL**

### **SUBCHAPTER 14C - GENERAL RULES**

#### **SECTION .1100 - STATE AND FEDERAL FUNDS ADMINISTERED**

##### **.1151 CAROLINA ALTERNATIVES**

(a) The Division may contract with area programs to implement a managed care program for mental health and substance abuse services for children pursuant to a waiver granted by the Secretary of the United States Department of Health and Human Services in accordance with Title XIX of the Social Security Act, known as the Carolina Alternatives program.

(b) Funding shall be made available through monthly capitation payments received from the Division of Medical Assistance.

(c) Funds shall be awarded and settled based on the provisions in the contract between the Division and the area program.

(d) Enrollees shall have the right to appeal adverse decisions by a contracting area program, which are defined as:

- (1) denial of a request for first-time service or a service other than the current service;
- (2) reduction of a current service;
- (3) suspension of a current service; or
- (4) termination of a current service.

(e) The Division shall comply, and shall insure that contracting area programs comply, with the following appeals procedures:

(1) Notification letter:

- (A) The area program shall send, via regular mail or pass by hand, a notification letter at the time of service authorization or at another time not later than 10 working days before the date of the action (reduction, suspension or termination).
- (B) The area program shall mail the notification letter the same day as the date of the letter in order to provide the recipient with the legal time period in which to appeal.
- (C) When hand delivered, documentation that the individual was given notice shall be represented by the date in the notification letter.
- (D) A denial of requested services requires a notification, but is an exception to the 10-day advanced notification requirement.

(2) The notification letter shall contain the following information:

- (A) specific information (the identification of the area program and type of service under review);
- (B) reasons for the decision;
- (C) Medicaid regulations that support the decision;
- (D) the right to a State informal and formal hearing on the decision;
- (E) the right to a hearing when State or Federal law requires a change in service;
- (F) circumstances in which an expedited appeal may be requested;
- (G) steps required to start an appeal;
- (H) circumstances in which Medicaid is continued until a hearing decision. If an individual appeals to the State DMH/DD/SAS or to the Office of Administrative Hearings (OAH) before the effective date of the proposed service reduction, termination, or suspension, noted in the letter, authorization for payment of the individual's current services will continue until a decision is issued; and
- (I) that if an individual abandons or loses an appeal, the State has the legal right to recover the cost of the disputed treatment, and that such costs are accumulated from the beginning of the date of the service reduction, termination or suspension.

(3) The notification letter also shall contain treatment continuation information as follows:

- (A) the area program may offer other treatment services when it denies a person's request for a specific treatment.
- (B) the individual may receive the treatment specifically requested by paying for it.
- (C) when and if the individual's medical condition changes, the area program will re-evaluate the request for a specific treatment.

(4) Exceptions to 10-day notification requirement. Notice shall be given no later than the date of the service reduction, termination or suspension where:

- (A) recipient's treating physician changes the service (e.g., discharge from a short term or crisis hospitalization);
- (B) agency has factual information confirming the death of the enrollee;
- (C) agency receives a written statement signed by an enrollee that services are no longer desired; or gives information that requires termination or reduction of services and understands that this must be the result of supplying that information;
- (D) enrollee has been admitted to a service that is not included in the approved service network; and
- (E) location of the enrollee is unknown as

certified by the post office.

(f) Requesting a State Informal Hearing:

- (1) Medicaid recipients have a right to an informal hearing by an impartial hearing officer at the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS).
- (2) This right shall be secured by returning the appeal form (included with the notification letter) to the State DMH/DD/SAS.
- (3) The form may be sent by mail, facsimile, or hand-delivered.
- (4) Upon receipt of an informal appeal request, the DMH/DD/SAS shall contact the enrollee and schedule a hearing before a hearing officer within 30 days from receipt of the written request.
- (5) The DMH/DD/SAS shall inform the enrollee in writing of the hearing date, the hearing procedures, and of their legal rights during the hearing.
- (6) The DMH/DD/SAS promptly shall inform the area program of the appeal. With the enrollee's permission, the area program shall contact the enrollee within three working days of notification from DMH/DD/SAS to begin its impartial dispute resolution process:
  - (A) Each area program shall have an informal dispute resolution process that is approved in writing by DMH/DD/SAS. Each area program shall submit its local review process and the Division shall review based on whether the recipient has an impartial review process by persons not involved with the original decision; and
  - (B) The process shall include both impartial dispute resolution and impartial clinical/medical review.
- (7) Informal hearing procedure:
  - (A) The enrollee has the right to an in-person hearing. Before the hearing, the enrollee has the right to review the case file and all records that will be used at the hearing.
  - (B) The enrollee shall not be denied access to review these documents.
  - (C) All written material that the enrollee or his representative want presented at the hearing must be received by the Division hearing office at least five days before the scheduled hearing.
  - (D) If the enrollee or his representative fails to appear at the scheduled hearing, without good cause, the hearing still shall be held. "Good cause" means circumstances beyond the control of the enrollee or his representative.
  - (E) If at any time during the process the enrollee's medical condition worsens and the enrollee is re-evaluated for authorization for the current or higher service, the informal appeal shall be concluded in favor of the enrollee.

- (F) The hearing officer shall give appropriate consideration to all matters and documents presented either by the enrollee or by the area program. Witnesses shall not be required to take an oath before making a statement.
  - (G) Neither the North Carolina Rules of Evidence, the Federal Rules of Evidence, the North Carolina Rules of Civil Procedure, nor the Federal Rules of Civil Procedure shall govern the hearing procedures.
  - (H) The hearing officer shall insure that the hearing is conducted in a fair, impartial, and non-adversarial manner.
  - (I) The hearing officer shall issue a written decision of his findings and conclusions, and shall send a copy to the enrollee and to the area program. The written decision shall notify the enrollee of the right to appeal an adverse decision to the Office of Administrative Hearings (OAH) and the time period within which such appeal must be filed. The written decision shall include a Petition for Contested Case Hearing appropriate for filing at OAH.
- (8) State Formal Hearing:
- (A) The enrollee has the right to appeal an adverse decision by an area program directly to the OAH for a formal, evidentiary hearing.
  - (B) The enrollee also may appeal a DMH/DD/SAS hearing officer's adverse decision to OAH.
  - (C) Either appeal must be filed in accordance with G.S. 150B.
  - (D) If an enrollee appeals an area program adverse decision directly to OAH before the effective date of the proposed reduction, termination, or suspension, authorization for the current service shall continue until a Recommended Decision is issued by OAH.
  - (E) If an enrollee appeals an area program adverse decision after the effective date of the proposed reduction, termination, or suspension, the area program is not required to continue authorization for the current service.
  - (F) If an enrollee appeals the DMH/DD/SAS hearing officer's decision to OAH, the area program is required to continue or reinstate authorization for the current service until a final decision is issued by the Department.
  - (G) If an enrollee appeals an area program adverse decision after the effective date of the proposed reduction, termination, or suspension, the area program is not required to continue authorization for the current service.
- (9) Recovery Procedures: If an enrollee abandons an appeal, or if after an appeal through OAH, the



DMH/DD/SAS Final Agency Decision upholds the area program's adverse decision, the State may commence to recover the financial costs of any unauthorized services furnished to the enrollee as the result of taking the appeal. Financial costs accumulate from the area program's proposed date of service reduction, termination or suspension.

(10) Expedited Appeals:

- (A) Emergency appeals may be initiated by oral or written communication to the area program or to the DMH/DD/SAS. To start an emergency appeal the enrollee or his legally responsible person must attest that services are urgently needed and the failure to provide them promptly or to continue them might reasonably cause deterioration, or impair improvement, in the enrollee's medical condition.
- (B) The area program shall conduct an expedited review within 24 hours of receipt of the request, and if its review upholds the adverse decision, the area program shall directly forward its decision and a copy of all relevant medical records to the DMH/DD/SAS.
- (C) The DMH/DD/SAS shall issue its decision within two working days of the enrollee's request for expedited review.
- (D) The area program is required to continue authorization for the current service through an expedited appeal until the appeal is abandoned or the Department issues a final decision.

*History Note:* Authority G.S. 122C-112; 122C-143.1; 122C-143.2; 122C-147; 122C-147.1; 122C-147.2; 42 C.F.R. 431; Social Security Act, Waiver under Sections 1915(b(1)) and (b)(4);

*Eff. February 1, 1996;*

*Amended Eff. April 1, 1999.*

## CHAPTER 20 - VOCATIONAL REHABILITATION

### SUBCHAPTER 20C - PROGRAM RULES

#### SECTION .0200 - ELIGIBILITY

##### .0206 FINANCIAL NEEDS TEST

(a) A client's financial need shall be determined by application of the General Assembly's financial eligibility scale for non-medicaid medical programs which sets the limit of net annual income for families of various sizes and by consideration of other available assets that could be used to pay for the cost of rehabilitation services. In applying the General Assembly's financial eligibility scale, the Division shall follow the provisions of this Rule to determine net monthly income and family size. The General Assembly's eligibility financial scale is usually found in the current appropriations bill as follows: S.L. 1998, c. 212, s. 12.33.

(b) The time period to be used as the basis for computing net monthly family income is the month prior to the planning of any service which is based on the individual's financial eligibility. Net monthly family income shall be recomputed at any time there is a change in the family's income.

(c) A client's family shall include the client and the following persons living in the same household as the client if the client is 18 years of age or older and is not being claimed as a dependent by the parents for tax purposes or if the client is less than 18 years of age and is married:

- (1) the client's spouse;
- (2) the client's children under 18 years of age;
- (3) other individuals related to the client by blood, marriage, or adoption if the other individuals have no income; and
- (4) the client's children of any age who are temporarily living away from the household while attending school if they are being claimed as dependents by the client for tax purposes.

(d) A client's family shall include the client and the following persons living in the same household as the client if the client is less than 18 years of age and is not married or if the client is 18 years of age or older and is being claimed as a dependent by the parents for tax purposes:

- (1) the client's parents, not including step-parents;
- (2) siblings or half-siblings of the client, but not step-siblings, if the siblings are unmarried and less than 18 years of age;
- (3) siblings or half-siblings of the client, but not step-siblings, if the siblings are 18 years of age or older and have no income; and
- (4) other individuals related to the client by blood, marriage, or adoption if the other individuals have no income.

(e) If a client is 18 years of age or older and is temporarily living away from the permanent home while attending school and is being claimed as a dependent by the parents for tax purposes, the client's family shall be determined according to Paragraph (d) of this Rule.

(f) In Paragraphs (d)(2) and (3) of this Rule, siblings who are temporarily living away from the household while attending school may be considered as living in the same household if they are being claimed as dependents by their parents for tax purposes and the parents are in the same household as the client.

(g) Net monthly family income shall be computed by subtracting the deductions allowed in Paragraph (i) of this Rule from the gross monthly family income as computed according to Paragraph (h) of this Rule.

(h) Gross Monthly Family Income.

- (1) Gross monthly family income shall mean the combined cash income received by the client's family from the following sources:
  - (A) wages and salaries;
  - (B) earnings from self-employment;
  - (C) earnings from stocks, bonds, savings accounts, rentals, and all other investments;
  - (D) Social Security benefits and Supplemental



- Security Income benefits;
- (E) public assistance benefits;
- (F) retirement and pension payments;
- (G) Veterans Administration benefits; and
- (H) all other sources of cash income.
- (2) If the income received from any of the sources listed in Paragraph (h)(I) of this Rule is not received on a monthly basis, the monthly pro rata share of the most recent receipt of the income shall be included in the computation.
- (3) Gross family income shall not include:
  - (A) income that children may earn from babysitting, lawn mowing, or other miscellaneous tasks;
  - (B) gifts;
  - (C) inheritances; or
  - (D) life insurance proceeds.
- (i) Any of the following expenses which are paid by a member of the client's family shall be allowed as deductions in determining net monthly income:
  - (1) state, federal, and Social Security taxes and any mandatory deductions for retirement contributions;
  - (2) medical and dental payments not covered by a third-party payor;
  - (3) health insurance premiums;
  - (4) disability related expenses, not covered by a third-party payor, paid for the client or a member of the client's family except for expenses for those participants or clients who require personal assistance services in order to achieve independent living or an employment outcome and for whom the Division is contributing or is considering contributing to the cost of the personal assistance services;
  - (5) child care payments up to one hundred and seventy-five dollars (\$175.00) per child per month for any child in the family unit who is 14 years of age or younger and the parents or other responsible adults are not able to care for the child;
  - (6) post-secondary training expenses for family members not to exceed the rate specified in Rule .0205 (b)(4) and (5) of this Section; and
  - (7) legally mandated payments such as alimony, child support or Social Security paybacks.
- (j) In addition to net monthly family income, other assets that are available to the client's family shall be considered in determining a client's financial need. Available assets shall mean cash or property which could be used to pay for the cost of rehabilitation services and shall include:
  - (1) cash in checking or savings accounts which exceeds an amount three times the net monthly income allowed for the family size; and
  - (2) real property considering the following provisions:
    - (A) Real property, other than the family homesite, shall be considered if the fair market value less encumbrances exceeds twenty-five thousand dollars (\$25,000).
    - (B) The equity shall be determined by subtracting

the amount owed on mortgages or liens from the purchase price or the fair market value, whichever is less.

- (C) The family homesite for the purposes of this Rule shall be defined as the family's principle place of residence and includes:
  - (i) the house and lot plus all buildings on the lot if the residence is in the city; or
  - (ii) the house and the land on which the house is located up to a maximum of one acre plus all buildings on the acre if the residence is in a rural area.
- (D) Real property shall be regarded as an available asset to the extent that it can be converted to cash, either by sale or by use as collateral for a loan, in a timely manner to meet the cost of rehabilitation services.

(k) If the client's family has excess resources in either net monthly family income or available assets, the excess resources shall be applied to the cost of the client's rehabilitation. When the Division is contributing or is considering contributing to the cost of personal assistance services for an individual who has been determined financially eligible according to this Rule, the individual's financial contribution toward the cost of the personal assistance services shall be one-half the excess net monthly family income. The counselor shall determine the amounts to be paid and the method of payment. The unit manager shall approve the payment plan.

(l) If there are extenuating circumstances, that prohibit the client's application of the excess resources toward the cost of rehabilitation, the Division may waive the application of part or all of the excess resources toward the rehabilitation. Such circumstances may include the inability to sell property, the fact that the amount of funds would be so small that it would provide little substantial help with the rehabilitation program, and the fact that the conversion of the excess resources may result in undue delay in proceeding with the rehabilitation program. Written approval of the unit manager or facility director shall be required for the waiver. Documentation of the particular circumstances shall be provided by the client and shall be maintained in the client's record.

*History Note: Authority G.S. 143-545.1; 143-546.1; 34 C.F.R. 361.47;*

*Eff. February 1, 1976;*

*Amended Eff. April 1, 1999; March 1, 1990.*

## **CHAPTER 26 - MEDICAL ASSISTANCE**

### **SUBCHAPTER 26M - MANAGED CARE AND PREPAID PLANS**

#### **SECTION .0200 - PREPAID PLANS**

##### **.0201 PROGRAM DEFINITION**

The Division of Medical Assistance (DMA) may contract with Federally qualified Health Maintenance Organizations

(HMOs) and State licensed and certified HMOs to provide and coordinate medical services for Medicaid eligibles. Prior to DMA awarding a contract to an HMO, the HMO must submit an application in which it demonstrates its ability to meet all contract specifications.

*History Note: Authority G.S. 108A-25(b);  
Eff. August 3, 1992;  
Amended Eff. April 1, 1999.*

**.0202 ENROLLMENT**

(a) Enrollment is voluntary in all service areas with the exception of Mecklenburg County. In Mecklenburg County, eligibles in the following program aid categories are required to join an HMO if they do not have Medicare coverage:

- (1) Work First Family Assistance (WFFA);
- (2) Family and Children's Medicaid without deductible (MAF);
- (3) Medicaid for Infants and Children (MIC);
- (4) Medicaid for Pregnant Women (MPW);
- (5) Medicaid for the Blind and Disabled (MAB, MAD and MSB); and
- (6) Adult Care Home Residents (SAD).

(b) Each contract shall define eligibles and service areas, according to the provisions in 42 CFR 434, Subpart C, which is hereby incorporated by reference including subsequent amendments and editions. This material is available for inspection at the Department of Health and Human Services, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, North Carolina. Copies of the cited regulation may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 at a cost of twenty-one dollars (\$21.00).

*History Note: Authority G.S. 108A-25(b);  
Eff. August 3, 1992;  
Amended Eff. April 1, 1999.*

**.0203 ACCESS TO CARE**

(a) In-plan and out-of-plan services shall be listed in the contract between the HMO and DMA. The HMO shall pay for all in-plan services when provided in accordance with the HMO's policies and procedures. DMA shall pay for all out-of-plan services provided in accordance with Medicaid policies and procedures. The Division of Medical Assistance has the authority to deny payment for in-plan services not provided nor authorized by the HMO.

(b) HMO members shall receive all in-plan services from their HMO or its subcontractors except:

- (1) emergency medical services as defined in 42 U.S.C. 1932(b)(2)(B) and (C), which could not be provided by the HMO because the time to reach the in-plan provider capable of providing such services would have meant risk of serious damage or injury to the member's health;
- (2) Medicaid-covered family planning services and supplies;
- (3) services provided by a public health department for

the screening, diagnosis, counseling, or treatment of sexually transmitted diseases, tuberculosis or HIV; and

- (4) services for which the HMO has referred the member to an out-of-plan provider.

(c) The HMO shall make payment for in-plan services in Paragraph (b), of this Rule, in an amount agreed upon by the provider and the HMO. In the absence of such an agreement, payment shall be made in the amount of the Medicaid allowable fee.

*History Note: Authority G.S. 108A-25(b);  
Eff. August 3, 1992;  
Amended Eff. April 1, 1999.*

**SECTION .0300 - MENTAL HEALTH MANAGED CARE-CAROLINA ALTERNATIVES**

**.0305 ENROLLEE AND SUB-CONTRACTOR APPEALS**

(a) Enrollee appeals shall be submitted and processed in accordance with 10 NCAC 14C .1151.

(b) Sub-contractors may appeal adverse decisions to the local area program, in accordance with G.S. 122C-151.4 and 10 NCAC 14V .0708, .0710, .0711, and .0712 to the Area Authority Review Panel.

*History Note: Authority G.S. 108A-25(b); 108A-54; 108A-55; S.L. 1993, c. 321, s. 222(g); 42 C.F.R. 431;  
Eff. June 1, 1995;  
Amended Eff. April 1, 1999.*

**TITLE II - DEPARTMENT OF INSURANCE**

**CHAPTER 8 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0900 - MANUFACTURED HOUSING BOARD**

**.0912 SET-UP CONTRACTOR EXAMS**

(a) Definitions. The definitions contained in G.S. 143-143.9 are incorporated into this Rule by reference. As used in this Rule, "qualifier" means an individual taking the examination on behalf of an applicant that is not an individual.

(b) Examination Required. Each applicant for a set-up contractor's license shall pass a written examination administered by the Board before the Board will issue a license to the applicant. Every applicant shall pass the examination with a grade of at least 70 percent. An applicant who does not pass the examination shall be allowed to retake the examination.

(c) Time and Place of Examinations. The Board shall administer examinations in its offices in Raleigh. The Board shall announce the time and place for each examination at least 10 days before the date of the examination.

(d) Application Process. Each applicant shall complete an



application on a form provided by the Board. If the applicant is not an individual, the applicant shall identify on the application any individuals who will take the examination for the applicant. In order to take an examination on a particular date, an applicant shall file a completed application no later than 30 days before the scheduled date of the examination.

(e) Person Taking Examination. A qualifier shall be associated with the applicant, and shall be actively engaged in the work of the applicant for a minimum of 20 hours per week, or a majority of the hours operated by the applicant, whichever is less. Each licensee shall notify the Board in writing within 10 days after any qualifier no longer meets the preceding requirements. If one qualifier fails, and another passes, the license shall be granted to that applicant. An individual shall not serve as a qualifier for more than one license. The applicant may have more than one individual serve as a qualifier.

(f) General Requirements. All applicants scheduled for an examination shall bring a form of identification with a current picture. No visitors shall be allowed in the testing room.

(g) Special Arrangements for the Disabled. If an applicant has a disability which will require special arrangements to take an examination, the applicant shall request in writing that appropriate special arrangements be made. The Board shall make reasonable accommodations for applicants requesting assistance pursuant to this Rule.

(h) Cheating and Related Misconduct. Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose with any person other than staff members for the Board during an examination.

(i) Notification of Results. The examination results shall be mailed to the applicant at the address on the application form within 30 days after the examination. Passing applicants shall receive only a grade of "pass."

(j) Review of Examinations. Upon the applicant's written request, made within 30 days after the written notification of the examination results, an applicant who did not pass the examination shall be allowed to review his examination. The review shall be at the Board's offices, at a time schedule by the Board's staff. An applicant shall review his examination in the presence of a staff member of the Board and shall not be accompanied by any other individual at a review session. No other individual shall review an examination on behalf of the applicant. An applicant shall not be permitted to copy a question or answer contained in the examination report or alter an examination paper in any way. An applicant who has passed the examination shall not be permitted to review his examination. If the applicant is not an individual, the review of the examination shall be made by the applicant's qualifier.

*History Note: Authority G.S. 143-143.10(b)(4); 143-143.11(h);  
Eff. April 1, 1999.*

## **CHAPTER 12 - LIFE AND HEALTH DIVISION**

### **SECTION .0800 - MEDICARE SUPPLEMENT INSURANCE**

#### **.0841 CREDITABLE COVERAGE**

(a) As used in this Rule:

- (1) "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than 63 days.
- (2) "Creditable coverage" has the same meaning as in G.S. 58-68-30(c)(1).

(b) If an applicant qualifies under 11 NCAC 12 .0837(a) and submits an application during the time period referenced in 11 NCAC 12 .0837(a) and, as of the date of application, has had a continuous period of creditable coverage of at least six months, the issuer shall not exclude benefits based on a preexisting condition.

(c) If the applicant qualifies under 11 NCAC 12 .0837(a) and submits an application during the time period referenced in 11 NCAC 12 .0837(a) and, as of the date of application, has had a continuous period of creditable coverage that is less than six months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The manner of the reduction under this Paragraph shall be as prescribed by the Secretary of the United States Department of Health and Human Services.

(d) 11 NCAC 12 .0837(b) does not apply to this Rule.

*History Note: Authority G.S. 58-2-40; 58-54-10; 58-54-15; 58-54-25; 58-54-50;  
Temporary Adoption Eff. August 1, 1998;  
Eff. April 1, 1999.*

#### **.0842 GUARANTEED ISSUE FOR ELIGIBLE PERSONS**

(a) As used in this Rule:

- (1) "Bankruptcy" means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.
- (2) "Employee welfare benefit plan" means a plan, fund or program of employee benefits as defined in 29 U.S.C. §1002 (Employee Retirement Income Security Act).
- (3) "Insolvency" means when an issuer, licensed to transact the business of insurance in this State, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.
- (4) "Medicare+Choice plan" means a plan of coverage for health benefits under Medicare Part C as defined in Section 1859, Title IV, Subtitle A, Chapter 1 of P.L. 105-33, and includes:

- (A) Coordinated care plans which provide health care services, including but not limited to



health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

- (B) Medicare medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

- (C) Medicare+Choice private fee-for-service plans.

(b) Eligible persons are those individuals described in Paragraph (c) of this Rule who apply to enroll under the policy not later than 63 days after the date of the termination of enrollment described in Paragraph (c) of this Rule, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Paragraph (d) of this Rule that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

(c) An eligible person is an individual described in any of the following Subparagraphs:

- (1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan;

- (2) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, and any of the following circumstances apply:

- (A) The organization's or plan's certification [under this part] has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

- (B) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary of the United States Department of Health and Human Services, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or

the plan is terminated for all individuals within a residence area;

- (C) The individual demonstrates, in accordance with guidelines established by the Secretary of the United States Department of Health and Human Services, that:

- (i) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

- (ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

- (D) The individual meets such other exceptional conditions as the Secretary of the United States Department of Health and Human Services may provide.

- (3) The individual is enrolled with:

- (A) An eligible organization under a contract under Section 1876 (Medicare risk or cost); or

- (B) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999; or

- (C) An organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan); or

- (D) An organization under a Medicare Select policy; and

- (E) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under Subparagraph (2) of this Paragraph.

- (4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

- (A) Of the insolvency of the issuer or bankruptcy of the nonissuer organization or of other involuntary termination of coverage or enrollment under the policy;

- (B) The issuer of the policy substantially violated a material provision of the policy; or

- (C) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

- (5) The individual was enrolled under a Medicare supplement policy and terminates enrollment and

subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, any eligible organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, an organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan), or a Medicare Select policy; and the subsequent enrollment is terminated by the enrollee during any period within the first 12 months after the subsequent enrollment (during which the enrollee is permitted to terminate the subsequent enrollment under Section 1851(e) of the federal Social Security Act);

- (6) The individual, upon first becoming enrolled in Medicare part A or part B for benefits at age 65 or older, enrolls in a Medicare+Choice plan under part C of Medicare, and disenrolls from the plan by not later than 12 months after the effective date of enrollment; or
  - (7) The individual is enrolled in a Medicare risk plan under part C of Medicare and the plan is later converted to a Medicare+Choice plan, and first disenrolls from the converted plan by not later than 12 months after the effective date of the conversion.
- (d) The Medicare supplement policy to which eligible persons are entitled under:
- (1) Subparagraphs (c)(1), (2), (3) and (4) of this Rule is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer.
  - (2) Subparagraph (c)(5) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Subparagraph (1) of this Paragraph.
  - (3) Subparagraph (c)(6) shall include any Medicare supplement policy offered by any issuer.
- (e) At the time of an event described in Paragraph (c) of this Rule because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under Paragraph (b) of this Rule. Such notice shall be communicated contemporaneously with the notification of termination. At the time of an event described in Paragraph (c) of this Rule because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under Paragraph (b) of this Rule. Such notice shall be communicated

within 10 working days of the issuer receiving notification of disenrollment.

*History Note: Authority G.S. 58-2-40; 58-54-10; 58-54-15; 58-54-25; 58-54-50;*

*Temporary Adoption Eff. August 1, 1998;*

*Eff. April 1, 1999.*

## TITLE 12 - DEPARTMENT OF JUSTICE

### CHAPTER 9 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

#### SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

#### SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

##### **.0301 CERTIFICATION OF INSTRUCTORS**

(a) Any person participating in a commission-accredited criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specific Instructor Certification or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Such instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and reflected on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-accredited course shall remain competent in his/her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing any instructor updates issued by the Commission.

(d) The Standards Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(e) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of these Rules, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a



specified period of time or until acceptable corrective action is taken by the individual;

(5) revoking the individual's certification.

(f) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification; or
- (2) has failed to remain currently knowledgeable in the person's areas of expertise; or
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in 12 NCAC 9B .0209; or
- (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in 12 NCAC 9B .0205; or
- (5) has demonstrated unprofessional personal conduct in the delivery of commission-mandated training; or
- (6) has demonstrated instructional incompetence; or
- (7) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation; or
- (8) has failed to meet or maintain good moral character as required to effectively discharge the duties of a criminal justice instructor.

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. April 1, 1999; July 1, 1991; January 1, 1985.*

## TITLE 13 - DEPARTMENT OF LABOR

### CHAPTER 12 - WAGE AND HOUR

#### SECTION .0300 - WAGES

##### **.0303 TIPS AND TIP CREDITS**

(a) Tips are not wages. Tips may be counted toward wages only to the extent set forth in Paragraphs (e), (f) and (g) of this Rule.

(b) A tip shall not include a service charge which the employer requires the customer to pay, no matter what the charge is labeled.

(c) Tips belong to the employee for whom they were left by the customer. Employees and employers may not agree that the employee will surrender tips to the employer. However, if there is a tip pooling arrangement under 95-25.3(f), the employee may be required to surrender tips received for distribution in accord with the tip pooling arrangement.

(d) If a customer pays by credit, charge or debit card and includes a tip for an employee:

- (1) the tips so charged accrue to the employee at the time of the charge. The employer shall pay the employee the charged tip no later than the payday for the pay period in which the customer signs the

charge; and

- (2) employers may retain from the tips an amount up to or equal to the pro rata portion of the fee charged by the card issuing company which is attributable to the tips. When employers make such retentions, they do so without violating G.S. 95-25.6 and without becoming disqualified from claiming the tip credit on the charged tip.

(e) In order for an employer to claim a tip credit toward the minimum wage:

- (1) the employee must be a tipped employee within the meaning of the Act;
- (2) the employer shall notify the employee in accordance with G.S. 95-25.13 if the employer intends to claim the tip credit; and
- (3) the employee must retain all tips, subject to any valid tip pooling arrangement as described in Paragraph (h) of this Rule.

(f) The following records shall be kept by the employer for each employee for whom a tip credit is claimed:

- (1) Complete and accurate records of the amount of tips received for each workweek as such tips are certified by the employee monthly or for each pay period. The employee certification is the employee's signature or initials on the employer's records. Certification shall occur either monthly or for each pay period. The sole exception to this requirement is set forth in Paragraph (g) of this Rule. An employee's acceptance of wages from the employer shall not constitute certification by the employee of tips received;
- (2) The amount claimed by the employer as tip credit for each employee for each workweek;
- (3) For each employee participating in a tip pool, for each workweek, the amount of contributions to the tip pool; and
- (4) For each employee participating in a tip pool, for each workweek, the amount received from the tip pool.

(g) If the employee refuses to certify or to certify accurately and completely the amount of tips received, a tip credit may be claimed if the employer:

- (1) meets the requirements of Paragraphs (e)(3) and (f) of this Rule; and
- (2) can demonstrate with written documentation for each workweek for which a credit is claimed:
  - (A) that the tipped employee certifies having received tips in the amount for which the credit is taken, or
  - (B) that a similarly situated tipped employee received tips in the amount for which the credit is taken, or
  - (C) by other method which reliably establishes that the tipped employee regularly receives tips in the amount for which the credit is taken.

(h) "Tip pooling" as used in G.S. 95-25.3(f) is an arrangement in which all or a part of the tips of the



contributing employees are combined into a common pool and then divided among the participating employees according to a pre-determined formula. An employee's share of a tip pool is that portion of the total amount in the pool which the employee receives. A tip pooling arrangement is valid under G.S. 95-25.3(f) when:

- (1) the contributing employees are notified of the arrangement before the pay period in which it will be used;
- (2) the share of each contributing employee is at least 85% of the employee's tips before the employee contributes to the tip pool; and
- (3) only employees who customarily and regularly receive tips receive a share from the pool.

The requirement of 95-25.6 that the employer pay "tips accruing to the employee" shall be satisfied if the employee in a tip pooling arrangement receives 85% of the employee's actual tips before pooling or the employee's share received from the pool, whichever is greater. By complying with Subparagraph (h)(2) of this Rule, the employer has also satisfied the provision of G.S. 95-25.3(f) requiring the employer to allow the tipped employee to retain all tips.

*History Note: Authority G.S. 95-25.3; 95-25.6; 95-25.13; 95-25.15; 95-25.19;*

*Eff. November 1, 1980;*

*Amended Eff. April 1, 1999.*

### **.0305 AUTHORIZATION FOR WITHHOLDING OF WAGES**

(a) An employer may withhold or divert a portion of an employee's wages without the employee's authorization only when the employer is required or empowered to do so by North Carolina or federal law. A valid authorization by an employee is required in all other circumstances for an employer to make a deduction from an employee's wages. Two types of authorization are permitted:

- (1) A specific authorization shall be used when the amount or rate of the proposed deduction is known and agreed to at the time the employee signs the authorization.
- (2) A blanket authorization shall be used when the amount of the proposed deduction is not known and agreed to at the time the employee signs the authorization.

(b) An authorization by an employee, to be valid, shall:

- (1) be written;
- (2) be signed by the employee on or before the payday for the pay period for which the deduction is being made;
- (3) show the date of signing by the employee;
- (4) state the reason for the deduction; and
- (5) if it is a specific authorization, state the specific dollar amount or percentage of wages to be deducted from each paycheck and the number of paychecks or length of time for which the deduction is authorized.

(c) A specific authorization may be for one or more paychecks and shall state the dollar amount or percentage of

wages which the employee agrees may be deducted from each paycheck. Employers shall give employees a reasonable opportunity to withdraw specific authorizations if such deductions are for their convenience. Deductions for the convenience of the employees include, but are not limited to, such things as savings plans, credit union installments, savings bonds, union or club dues, uniform rental, uniform cleaning, parking and charitable contributions.

(d) An employer shall not make a deduction under a blanket authorization until the employee has been given:

- (1) Advance notice of the specific amount of the proposed deduction. For purposes of deductions involving cash shortages, inventory shortages, or loss or damage to an employer's property, advance notice shall be at least the seven day period prescribed in G.S. 95-25.9.
- (2) A "reasonable opportunity to withdraw" the authorization before the deduction is made. A reasonable opportunity to withdraw a blanket authorization shall be at least three calendar days from the date of the employer's notice of the specific amount of the deduction to be taken.

(e) When an authorization is required by the Act, the monetary limitations and time requirements specified in G. S. 95-25.8, 95-25.9 and 95-25.10 of the Wage and Hour Act apply and shall not be waived.

(f) Advances of wages to the employee at the employee's request are considered to be prepayment of wages. Advances of wages to a third party at the employee's request are also considered to be prepayment of wages. A dated receipt, signed by the employee, for the advanced wages, shall be sufficient to show that the advance was requested and made. No withholding authorizations are required by G.S. 95-25.8(2) when the employer deducts for the advanced wages.

(g) In the absence of an executed loan document, the principal of a loan from an employer to an employee is considered to be an advance of wages. Such loans may include credit advanced by the employer to an employee at the employee's request for purchasing from the employer items not primarily for the benefit of the employer. Deductions for interest and other related charges require written authorizations in accordance with these Rules. Personal loans from a supervisor to a subordinate or loans made by third parties to an employee with payroll deduction arrangements are not an advance of wages.

(h) An overpayment of wages to an employee as a result of a miscalculation of wages or other bona fide error may be treated as an advance of wages by the employer. If the employer underpays wages to an employee as a result of a miscalculation of wages or other bona fide error, the employer shall pay any such underpayment owed as soon as possible upon the discovery of the error along with accrued interest at the legal rate set forth in G.S. 24-1 from the date the wages first became due.

(i) Authorizations for deductions that are not permitted by law are invalid. For example:

- (1) G.S. 97-21 invalidates agreements by an employee to pay any portion of a premium paid by his or her

employer to a workers' compensation insurance carrier;

- (2) 13 NCAC 7F .0101(a)(2) requires the employer to provide, at no cost to the employee, all personal protective equipment which the employee does not wear off the jobsite for use off the job.

If an employer withholds or diverts wages for purposes not permitted by law, the employer shall be in violation of G.S. 95-25.6 or G.S. 95-25.7, or both, even if the employee authorizes the withholding in writing pursuant to G.S. 95-25.8(2), because that authorization is invalid.

(j) An employer may obtain a written authorization pursuant to G.S. 95-25.8(2)(a) and include in the authorization a provision for deducting the balance of the unpaid amount from the employee's paycheck in the event the employee separates before the full amount has been collected. If the employer obtains such an authorization, the employer may deduct as much of the balance possible from the final paycheck without having to give the employee notice of the amount and a reasonable opportunity to withdraw his or her authorization as required by G.S. 95-25.8(2)(b), subject to the withholding limitations of G.S. 95-25.10. If the employer does not include in the specific authorization an express provision to deduct the balance upon an employee's separation, then an employer shall not deduct from the final paycheck an unpaid balance which is greater than the specific amount or percentage authorized unless an additional authorization is obtained.

(k) A wage credit in the form of tips in accordance with Rule .0303 of this Section, or the reasonable costs of meals, lodging or other facilities in accordance with Rule .0301 of this Section, is not a withholding of wages and does not require written authorization pursuant to G.S. 95-25.8(2).

(l) An employer is permitted to establish an escrow or bond account funded by an employee's wages to recover amounts owed to the employer, as long as the employer obtains a valid authorization from the employee pursuant to G.S. 95-25.8(2) before diverting wages to such an account. An employer must also obtain a valid authorization from the employee before making a deduction from the account. Upon discontinuance of employment for any reason, remaining funds shall be returned to the employee.

*History Note: Legislative Objection Lodged Eff. March 27, 1981;*

*Authority G.S. 95-25.8; 95-25.9; 95-25.10; 95-25.11; 95-25.13; 95-25.19;*

*Eff. November 1, 1980;*

*Amended Eff. April 1, 1999; February 1, 1982.*

#### **.0310 "OTHER AMOUNTS PROMISED" AS WAGES**

"Other amounts promised" as that term is used in G.S. 95-25.2(16) are those amounts which the employer has promised or has a policy or practice of paying and shall include, but are not limited to, travel expenses, holiday pay, birthday pay, jury duty pay, shift premium pay, prizes, moving expenses, educational expenses, or telephone expenses.

*History Note: Authority G.S. 95-25.2; 95-25.6; 95-25.7; 95-25.19;*

*Eff. April 1, 1999.*

### **SECTION .0600 - INVESTIGATION AND ENFORCEMENT**

#### **.0604 ADMINISTRATIVE REMEDIES**

(a) For purposes of 95-25.22(g), "exhausting administrative remedies" means that the Commissioner shall:

- (1) Investigate the alleged violations of the Act and afford the employer the opportunity to present evidence in its defense during such investigation; and
- (2) Notify the employer and complainant(s), after completion of the investigation, of:
  - (A) The violations found and amounts found due; and
  - (B) The employer's right to be heard further in the matter; and
- (3) Hear any additional evidence presented by the employer exercising its right to be heard further as set forth in Paragraphs (b) and (c) of this Rule; and
- (4) Notify the employer of any pending action.

(b) Employers wishing to exercise the right to be heard further shall:

- (1) Notify the Commissioner, within 14 days from the date the Commissioner notified the employer of the findings. The 14 days begins on the date the Commissioner mailed notification to the employer pursuant to Subparagraph (a)(2) of this Rule. The employer may notify the Commissioner either orally or in writing.
- (2) Present additional evidence to the Commissioner on disputed issues within 14 days from the date the employer notified the Commissioner of its intent to exercise the right to be heard further.

(c) The employer shall waive its right to be heard further if it:

- (1) fails to notify the Commissioner in accordance with Subparagraph (b)(1) of this Rule; or
- (2) fails to submit evidence in accordance with Subparagraph (b)(2) of this Rule; or
- (3) agrees to remedy the violations found and to pay in full the amounts found due.

(d) If the employer presents additional evidence in accordance with Paragraph (b) of this Rule, the Commissioner shall notify the employer and complainant(s) of any modifications which are made to the Commissioner's findings.

(e) For purposes of G.S. 95-25.22(g) and this Rule, the Commissioner shall make all notifications to the last known addresses of the employer and complainants.

*History Note: Authority G.S. 95-25.16; 95-25.17; 95-25.19; 95-25.22;*

*Eff. November 1, 1980;*

*Amended Eff. April 1, 1999.*



**SECTION .0700 - CIVIL MONEY PENALTIES**

**.0702 CIVIL PENALTY ASSESSMENT**

(a) If the Commissioner finds that an employer has violated any of the provisions of G.S. 95-25.5, G.S. 95-25.15(b) or these Rules, the Commissioner may assess a civil penalty for each violation.

(b) The maximum amount of a civil penalty shall be based on the nature and the gravity of the violation or violations. Matters which are indications of the gravity of a violation include, but are not limited to:

- (1) the likelihood of injury and the seriousness of the potential injuries to which a youth has been exposed;
  - (2) multiple violations by a business or employer;
  - (3) recurring violations;
  - (4) employment of any youth in a hazardous or detrimental occupation without a waiver from the Commissioner;
  - (5) violations involving youths under 14 years of age.
- (c) The Commissioner shall assess a penalty of:
- (1) two hundred fifty dollars (\$250.00) if a youth employment certificate would not have been issued because the employment was for a hazardous or detrimental occupation.
  - (2) one hundred twenty-five dollars (\$125.00) if the certificate would not have been issued, but the employment was non-hazardous or non-detrimental.
  - (3) fifty dollars (\$50.00) if a certificate would have been issued but the employer did not have or maintain the certificate.
- (d) Reductions in the penalty amount may be made based on the size of a business (number of employees and gross volume) and its past record of compliance with the Wage and Hour Act.

*History Note: Authority G.S. 95-25.17; 95-25.19; 95-25.23; 95-25.23A;*

*Eff. November 1, 1980;*

*Amended Eff. April 1, 1999; February 1, 1982.*

**CHAPTER 19 - RETALIATORY EMPLOYMENT DISCRIMINATION**

**SECTION .0400 - CONDUCT OF INVESTIGATIONS**

**.0401 INVESTIGATION**

(a) The Commissioner may, in addition to other actions, interview witnesses, examine and obtain copies of documents, and visit workplaces in determining whether or not there is reasonable cause to believe that the allegations of the complaint are true.

(b) The respondent has 30 days from notification of the complaint to respond to the allegations of the complaint. The respondent's failure to timely respond shall not prevent the investigation from proceeding to a determination.

(c) The complainant shall cooperate during the course of the investigation. Cooperation shall include, but is not limited to:

- (1) notifying the WORD Office, as soon as possible, of changes in address, name or telephone number;
- (2) providing all information requested by the investigator in the time and manner specified by the investigator;
- (3) attending meetings or conferences scheduled by the investigator;
- (4) meeting reasonable deadlines established by the investigator;
- (5) returning required forms; and
- (6) returning telephone calls.

Failure to cooperate may result in dismissal of the complaint pursuant to Rule .0603 of this Chapter.

*History Note: Authority G.S. 95-245;*

*Eff. April 1, 1999.*

**.0402 INTERVIEWS**

(a) All witnesses shall be interviewed in private, except as provided in Paragraphs (b) and (c) of this Rule.

(b) Witnesses may be accompanied by their own attorney, representative, or interpreter.

(c) Witnesses whose statements can legally bind a respondent may be accompanied by that respondent's attorney.

*History Note: Authority G.S. 95-245;*

*Eff. April 1, 1999.*

**SECTION .0500 - RIGHT-TO-SUE LETTERS**

**.0501 RIGHT-TO-SUE LETTERS**

A right-to-sue letter may be requested by the complainant after a determination of reasonable cause to believe that the allegations of the complaint are true and notice of conciliation failure. The request may be granted unless the Commissioner intends to file a civil action pursuant to G.S. 95-243. If the request for a right-to-sue letter is granted, the case shall be closed.

*History Note: Authority G.S. 95-245;*

*Eff. April 1, 1999.*

**SECTION .0600 - CLOSING OF CASES**

**.0604 RIGHT-TO-SUE CLOSURE**

Upon the issuance of a right-to-sue letter, the Commissioner shall close the case file.

*History Note: Authority G.S. 95-245;*

*Eff. April 1, 1999.*

**SECTION .0700 - SETTLEMENT AND LITIGATION**

**.0701 SETTLEMENT**

Except in those cases where the complaint has been withdrawn, or a right-to-sue letter has been issued, the Commissioner shall be a party to all settlements of complaints filed with the Commissioner pursuant to REDA.



*History Note: Authority G.S. 95-245;  
Eff. April 1, 1999.*

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

**CHAPTER 1 - DEPARTMENTAL RULES**

**SUBCHAPTER 1N - DRINKING WATER  
TREATMENT FUND RULES**

**SECTION .0400 - APPLICATIONS**

**.0403 PROJECT SCHEDULE AND RESOLUTION**

Every application shall be accompanied by a project schedule specifying dates for milestone events including:

- (1) business plan submittal;
- (2) plans and specifications submission and approval;
- (3) a rate schedule submittal;
- (4) bid opening and award;
- (5) construction start; and
- (6) project completion.

*History Note: Authority G.S. 159G-5; 159G-15;  
Temporary Adoption Eff. January 31, 1998;  
Eff. April 1, 1999.*

**SECTION .0600 - PRIORITY CRITERIA**

**.0604 RELIABILITY**

A maximum of five points shall be awarded in the reliability categorical element to projects that propose to increase the reliability of the water system; points may be awarded for both Items (1) and (2) of this Rule up to the maximum, as follows:

- (1) Projects that provide redundancy to critical treatment or delivery functions, such as interconnection, but excluding projects that provide emergency backup electrical power source, 3 points;
- (2) Projects that provide emergency backup electrical power source, 3 points.

*History Note: Authority G.S. 159G-5; 159G-15;  
Temporary Adoption Eff. January 31, 1998;  
Eff. April 1, 1999.*

**SECTION .0700 - AWARD, COMMITMENT AND  
DISBURSEMENT OF LOANS**

**.0701 DETERMINATION OF AWARDS AND  
BYPASS PROCEDURES**

(a) All funds appropriated for a fiscal year and all other funds accruing from loan principal repayments, interest payments, interest earned on funds, excess funds not awarded in the previous priority review period, and any other source, shall be available for loans during the priority review period.

(b) Of the funds available at the beginning of a priority review period, five percent shall be set aside for potential

adjustments under Rule .0703 of this Section. Any funds set aside for this purpose that are not used to adjust loans during a priority review period shall return to the account for the next priority review period.

(c) The funds available in a priority review period shall be awarded in descending order of priority rating considering Section .0201(b) of this Subchapter except for projects that are not ready to proceed. A project shall be funded unless at the time of binding agreement:

- (1) Project plans and specifications are not approved by the receiving agency;
- (2) Any environmental assessment or impact statement required is not complete and approved;
- (3) 100 percent funding necessary for the project is not committed; or
- (4) The receiving agency is unable to determine from review of the business plan and other information whether the applicant has the technical, managerial, and financial capacity to ensure compliance with the Act.

*History Note: Authority G.S. 159G-5; 159G-15;  
Temporary Adoption Eff. January 31, 1998;  
Eff. April 1, 1999.*

**.0703 CRITERIA FOR LOAN ADJUSTMENTS**

Upon receipt of bids, a loan commitment may be adjusted as follows:

- (1) The loan commitment may be decreased by the receiving agency provided; the project cost as bid is less than the estimated project cost;
- (2) The loan commitment may be increased a maximum of 10 percent by the receiving agency provided; the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available in the Fund. Increases greater than 10 percent of the loan commitment require approval by the Local Government Commission.

*History Note: Authority G.S. 159G-5; 159G-15;  
Temporary Adoption Eff. January 31, 1998;  
Eff. April 1, 1999.*

**SUBCHAPTER 1O - ENVIRONMENTAL HEALTH**

**SECTION .0100 - DELEGATION OF AUTHORITY  
TO ENFORCE THE COMMISSION FOR  
HEALTH SERVICES SANITATION RULES**

**.0102 ELIGIBILITY FOR DELEGATION OF  
AUTHORITY**

- (a) The applicant for authorization shall successfully

complete the centralized training course provided by the Division.

(b) The applicant shall successfully complete field practice by evaluating sites and establishments with an authorized environmental health specialist to assure that the applicant knows the rules of the Commission and how to properly enforce them.

(c) When the supervisor determines that the applicant has progressed sufficiently to work independently, the applicant may request to be evaluated for authorization. Documentation of the satisfactory completion of all required orientation activities and field practice, including any inspection or evaluation forms completed by the applicant and comments of the supervisor shall be forwarded to the regional specialist.

(d) If, upon reviewing the file, the regional specialist finds that the applicant needs additional study or field practice, the evaluation for authorization may be postponed until that study or practice has been completed.

(e) Upon satisfactory completion of the requirements in Paragraphs (a)-(d) of this Rule, the regional specialist shall coordinate the administration of a written test which the applicant must pass by a score of 70 percent or more. The test may be repeated if necessary.

(f) An applicant requesting authorization for 15A NCAC 18A .3100 Lead Poisoning Prevention in Children Program shall take and successfully complete the North Carolina State of Practice course entitled "Lead Investigation and Abatement" and shall pass the written test provided by that course. An applicant requesting authorization for only 15A NCAC 18A Lead Poisoning Prevention in Children Program shall not be required to take the exam required in Paragraph (e) of this Rule.

(g) After the applicant has successfully completed the written test, the regional specialist shall conduct a field evaluation of the applicant's knowledge, skills, and ability to enforce the provisions of G.S. 130A and the rules of the Commission. Following the field evaluation, the regional specialist shall make a recommendation to the Director of the Division of Environmental Health regarding issuance or denial of authorization.

*History Note: Authority G.S. 130A-4;  
Temporary Adoption Eff. March 1, 1998;  
Eff. April 1, 1999.*

#### **.0104 LAPSED DELEGATIONS**

When one or more areas of authorization has lapsed, an applicant for reauthorization shall comply with the following:

- (1) An individual whose authorization in an area of authorization has lapsed for a period of up to three years shall complete training, which may also include portions of the centralized training course, as determined by the regional specialist after a field evaluation of the applicant's knowledge, skills, and ability to enforce the rules.
- (2) An individual whose authorization in an area of authorization has lapsed for a period of three years to five years shall meet all of the requirements

which apply to new applicants, except that the individual shall be required to attend only the portions of the centralized training course which are directly applicable to the area of authorization requested.

- (3) An individual whose authorization in an area of authorization has lapsed for a period longer than five years shall meet all requirements which apply to new applicants.

*History Note: Authority G.S. 130A-4;  
Temporary Adoption Eff. March 1, 1998;  
Eff. April 1, 1999.*

#### **.0105 AGENTS SERVING AS CONTRACTORS**

(a) An agent who is authorized in a specific local health department may contract with another local health department to provide services to the other local health department. When a local health department contracts for such services, the contracting department shall provide a statement to the Division on progress made to employ an individual who may be considered for authorization.

(b) A contract shall be created between the contracting local health department and the agent (contractor) to include at least the following provisions:

- (1) Names and addresses of each party.
- (2) Scope of work to be performed.
- (3) A requirement that the original public records remain in the local health department in which the work is performed. The public records shall be left at the local health department or with an individual employed by the local health department who shall be responsible for returning said records to the local health department within two business days of the service provided.
- (4) Designation of the party responsible for maintaining public records created by the agent.
- (5) A requirement that the contracting agent be available for consultation to the public being served during usual business hours.
- (6) A requirement that the contracting agent be available for any hearing or other legal proceeding which may ensue from activities conducted by the agent.

(c) The contracting agent shall maintain a list of each activity and the date performed for review in accordance with Paragraph (d) of this Rule.

(d) Each public record created by the contracting agent shall be reviewed, dated, and initialed by an authorized agent of the contracting local health department. In addition, at least 10 percent of the activities performed by the agent shall be reviewed in the field by an authorized agent employed by the contracting local health department. If the contracting local health department has no authorized agent, the Division shall conduct a review of each public record created by the contracting agent. In addition, at least 10 percent of the activities performed by the agent shall be reviewed on-site in the field by the Division. The review shall be conducted each month and shall cover the previous month's activities



conducted by the agent.

*History Note: Authority G.S. 130A-4;  
Temporary Adoption Eff. March 1, 1998;  
Eff. April 1, 1999.*

**.0107 DENIAL, SUSPENSION AND REVOCATION**

(a) The Director, Division of Environmental Health, may deny, suspend, or revoke the authorization to act as an agent of the State for any of the following:

- (1) failure to satisfy the requirements for authorization in Rules .0101, .0102, .0103, .0105 and .0106 of this Section;
- (2) fraud, deceit, dishonesty, or perjury in obtaining authorization or in performing authorized duties;
- (3) drug or alcohol induced intoxication on duty;
- (4) incompetency or unprofessionalism in performing authorized duties;
- (5) neglect of duty; or
- (6) failure to properly interpret and enforce laws, rules, and policies.

(b) The Director, Division of Environmental Health may place an individual on conditional status for a period not to exceed six months if the individual's failure to properly enforce laws, rules and policies may be corrected with additional education and oversight. The Director may suspend or revoke the authorization anytime during the conditional period if satisfactory progress is not made and the Director shall suspend or revoke the authorization after the conditional period if the individual does not demonstrate the necessary knowledge, skills and ability to warrant an unconditional authorization.

*History Note: Authority G.S. 130A-4;  
Temporary Adoption Eff. March 1, 1998;  
Eff. April 1, 1999.*

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 2B - SURFACE WATER AND  
WETLAND STANDARDS**

**SECTION .0200 - CLASSIFICATIONS AND  
WATER QUALITY STANDARDS APPLICABLE  
TO SURFACE WATERS AND WETLANDS OF  
NORTH CAROLINA**

**.0248 RANDLEMAN LAKE WATER SUPPLY  
WATERSHED: NUTRIENT MANAGEMENT  
STRATEGY**

(a) All waters of the Randleman Lake (Deep River) water supply watershed are classified for water supply uses and designated by the Environmental Management Commission as a Critical Water Supply Watershed pursuant to G.S. 143-214.5(b). The following rules shall be implemented for the entire drainage area upstream of the Randleman Lake Dam:

- (1) Rule .0249 of this Section for Wastewater Discharges,

- (2) Rule .0250 of this Section for Protection and Maintenance of Riparian Areas, and
- (3) Rule .0251 of this Section for Urban Stormwater Management.

(b) Failure to meet the requirements of the Rules in this Section may result in the imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

(c) Development activities may be granted minor and major variances from the requirements of Rules .0250 and .0251 of this Section based on the process stated in 15A NCAC 2B .0104(r). However, for the purposes of Rules .0250 and .0251 of this Section, minor and major variances shall be defined as a variance from the more stringent Randleman Lake stormwater management requirements for the lower watershed and the more stringent riparian area requirements for the upper and lower watersheds.

*History Note: Authority G. S. 143-214.1; 143-214.5; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C;  
Eff. April 1, 1999.*

**.0249 RANDLEMAN LAKE WATER SUPPLY  
WATERSHED: WASTEWATER DISCHARGE  
REQUIREMENTS**

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Randleman Lake watershed. For purposes of this Rule, permitted wastewater discharges means those facilities permitted to discharge domestic wastewater or wastewaters containing phosphorus:

- (1) The City of High Point's Eastside facility shall meet a total phosphorus concentration predicted to provide a level of water quality in the Randleman Lake which meets all designated uses of those waters.
- (2) There shall be no new or expanding permitted wastewater discharges in the watershed with the exception that the City of High Point Eastside wastewater treatment plant may be allowed to expand provided that any new permit contains concentration and mass limits predicted to provide a level of water quality in the Randleman Lake which meets all designated uses of those waters.

*History Note: Authority G. S. 143-214.1; 143-214.5; 143-215.3(a)(1);  
Eff. April 1, 1999.*

**.0250 RANDLEMAN LAKE WATER SUPPLY  
WATERSHED: PROTECTION AND  
MAINTENANCE OF RIPARIAN AREAS**

The following is the management strategy for maintaining and protecting riparian areas in the Randleman Lake watershed:

- (1) Within 270 days of the effective date of this Rule, all local governments with jurisdictions in the



Randleman Lake watershed shall submit to the EMC for approval, local water supply ordinances, or modifications to existing ordinances, which include protection of riparian areas as provided in this Rule. Local governments shall use the following provisions in applying this Rule:

- (a) Riparian areas shall be protected and maintained in accordance with this Rule on all sides of surface waters in the Randleman Lake watershed such as intermittent streams, perennial streams, lakes, and ponds, as indicated on the most recent version of either the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or the Soil Survey maps developed by USDA-Natural Resource Conservation Service, or other site-specific evidence that indicates to the Division of Water Quality (DWQ) the presence of waters not shown on either of these two maps or, as provided in Sub-Item (2)(b) of this Rule, evidence that no actual stream or waterbody exists;
- (b) Local governments may, if they choose to do so, develop detailed stream network maps for the watershed based on these USGS and USDA-NRCS maps or criteria, approved by the Division of Water Quality, showing the presence or absence of a stream. These maps shall be submitted to the Division for approval by any local government wishing to use this method of implementation of riparian area protection. After these detailed stream network maps are approved by the Division, riparian areas shall be protected and maintained in accordance with this Rule on all sides of surface waters in the Randleman Lake watershed as delineated on these approved stream network maps; and
- (c) Exceptions to the requirements of this Rule for riparian areas are described in Sub-Items (2)(a)-(h) of this Rule. Maintenance of the riparian areas shall be such that, to the maximum extent possible, sheet flow of surface water is achieved. This Rule specifies requirements that shall be implemented in riparian areas to ensure that the pollutant removal functions of the riparian area are protected and maintained. All local governments that have land use authority within the proposed Randleman Lake water supply watershed shall adopt and enforce this Rule through local water supply and other local ordinances. Ordinances shall require that all riparian protection areas are recorded on new or modified plats. No building permits shall be issued and no new development shall take place in violation of this Rule.
- (2) The following waterbodies and land uses are exempt from the riparian area protection requirements:
  - (a) Ditches and manmade conveyances, other than modified natural streams, which under normal conditions do not receive drainage from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B .0100;
  - (b) Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or soil survey maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground;
  - (c) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;
  - (d) Water dependent structures as defined in 15A NCAC 2B .0202, provided that they are located, designed, constructed and maintained to provide maximum nutrient removal, to have the least adverse effects on aquatic life and habitat and to protect water quality;
  - (e) The following uses where no practical alternative exists. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters. Also, these structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices:
    - (i) Road crossings, railroad crossings, bridges, airport facilities, and utility crossings if conditions specified in Sub-Item(2)(e) of this Rule are met.
    - (ii) Stormwater management facilities and ponds, and utility construction and maintenance corridors for utilities such as water, sewer or gas, in Zone 2 of the riparian area as long as the conditions specified in Sub-Item (2)(e) of this Rule are met and they are located at least 30 feet from the top of bank or

mean high water line. Additional requirements for utility construction and maintenance corridors are listed in Sub-Item (2)(f) of this Rule:

- (f) A corridor for the construction and maintenance of utility lines, such as water, sewer or gas, (including access roads and stockpiling of materials) running parallel to the stream and located within Zone 2 of the riparian area, as long as no practical alternative exists, as defined in Sub-Item (2)(e) of this Rule, and best management practices are installed to minimize runoff and maximize water quality protection to the maximum extent practicable. Permanent, maintained access corridors shall be restricted to the minimum width practicable and shall not exceed 10 feet in width except at manhole locations. A 10 feet by 10 feet perpendicular vehicle turnaround shall be allowed provided they are spaced at least 500 feet apart along the riparian area;
- (g) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities, provided that they are located in Zone 2 and are at least 30 feet from the top of bank or mean high water line and are designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices. Activities that must cross the stream or be located within Zone 1, are allowed as long as all other requirements of this Item are met; and
- (h) Stream crossings associated with timber harvesting, if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
- (3) The protected riparian area shall have two zones as follows:
  - (a) Zone 1 is intended to be an undisturbed area of vegetation.
    - (i) Location of Zone 1: Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward a distance of 30 feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the top of bank or mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody.
  - (ii) The following practices and activities are allowed in Zone 1:
    - (A) Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any plantings shall primarily consist of locally native trees and shrubs;
    - (B) Selective cutting of individual trees in Zone 1, where forest vegetation as defined in Rule .0202 of this Section exists, as long as the following conditions are met every 100 feet on each side of the stream:
      - (I) Of existing trees 12-inches and greater diameter breast height (dbh), a minimum of five trees must remain uncut;
      - (II) Trees 12-inches and greater dbh may be harvested based on the following equation:  

$$\text{Number of Trees harvested} = (\text{Total number of trees greater than 12-inches dbh} - 5) / 2;$$
      - (III) No trees less than 12-inches dbh may be harvested unless exceptions provided in this Rule are met;
      - (IV) Trees may not be harvested more frequently than every 10 years; and
      - (V) No tracked or wheeled equipment are allowed;
    - (C) Horticulture or silvicultural practices to maintain the health of individual trees;
    - (D) Removal of individual trees which are in danger of causing damage to dwellings, other structures or the stream channel;
    - (E) Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, Division of Forest Resources and approved by the Director, Division of Water Quality; and

- (F) Ongoing agricultural operations provided that existing forest vegetation is protected.
- (iii) The following practices are not allowed in Zone 1:
  - (A) Land-disturbing activities and placement of fill and other materials, other than those allowed in Items (2) and (3)(a)(ii) of this Rule;
  - (B) New development, except as provided in Sub-Items (2)(d), (2)(e) and (2)(f) of this Rule;
  - (C) New on-site sanitary sewage systems which use ground adsorption;
  - (D) The application of fertilizer; and
  - (E) Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.
- (b) Zone 2 is intended to provide protection through a vegetated riparian zone which provides for diffusion and infiltration of runoff and filtering of pollutants.
  - (i) Location of Zone 2: Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody.
  - (ii) The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1:
    - (A) Periodic mowing and removal of plant products such as timber, nuts, and fruit is allowed provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover; and
    - (B) Grading and timber harvesting provided that vegetated ground cover be established immediately following completion of the land-disturbing activity.
  - (iii) The following practices and activities are not allowed in Zone 2:
    - (A) New development, except as provided in Sub-Items (2)(e) and (2)(f) of this Rule;
    - (B) New on-site sanitary sewage systems which use ground adsorption;
    - (C) Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.
- (4) Timber removal and skidding of trees shall be directed away from the water course or water body. Skidding shall be done in a manner to prevent the creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
- (5) Maintenance of sheet flow in Zones 1 and 2 is required in accordance with this Item.
  - (a) Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the riparian area.
  - (b) Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Zone 2 of the riparian area. Existing ditches and manmade conveyances, as specified in Sub-Item (2)(a) of this Rule, are exempt from this requirement; however, care shall be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.
  - (c) Periodic corrective action to restore sheet flow shall be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.
- (6) Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading.
- (7) Where the standards and management requirements



for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or other environmental protection areas, the more protective shall apply.

- (8) The existing water supply requirement in Rule 2B .0216(3)(b) of this Section that stipulates a 100 foot vegetated buffer, adjacent to perennial streams, for all new development activities which utilize the high density option, applies to the entire Randleman Lake watershed. The first 50 feet of these riparian areas on either side of these waters must also be protected in accordance with all the requirements of this Rule.

*History Note: Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1);*

*Eff. April 1, 1999.*

**.0251 RANDLEMAN LAKE WATER SUPPLY  
WATERSHED: STORMWATER  
REQUIREMENTS**

The following is the urban stormwater management strategy for the Randleman Lake watershed:

- (1) All local governments that have land use authority within the Randleman Lake watershed shall comply with stormwater management requirements as outlined in this Rule. Although the management requirements for the upper and the lower portions of the watershed are similar, additional density-related stormwater requirements apply to the lower portion of this watershed that do not apply to the upper portion of the watershed. The upper portion of the watershed is defined as those waters and lands of the Deep River watershed which drain to the Oakdale-Cotton Mill Dam. The lower portion of the watershed are those waters and lands of the Deep River upstream and draining to the Randleman Lake Dam, from the Oakdale-Cotton Mill Dam to the Randleman Dam.
- (2) To meet the requirements of this Rule, the local governments with jurisdictions in the upper portion of the Randleman Reservoir watershed shall meet the state's rules for a WS-IV classification as specified in 15A NCAC 2B .0104, .0202 and .0216, the conditions specified in their existing ordinances, the riparian area protection requirements of Rule .0250 of this Section, along with the stormwater planning requirements set forth in Sub-Items (4), (5), and (6) of this Rule.
- (3) To meet the requirements of this Rule, local governments with jurisdictions in the lower portion of the Randleman Lake watershed shall meet the provisions of Sub-Items (4), (5) and (6) of this Rule along with the following:
  - (a) Within 270 days of the effective date of this Rule, the affected jurisdictions, in coordination with the Piedmont Triad

Regional Water Authority, shall submit local water supply ordinances to the Environmental Management Commission for approval. The ordinances shall at least meet the state's minimum rules for a WS-IV classification as specified in 15A NCAC 2B .0104, .0202 and .0216, except that the requirements of this Sub-Item shall replace the nonpoint source requirements in 15A NCAC 2B .0216(3)(b) for the lower portion of the Randleman Lake watershed.

- (b) The local ordinances shall provide for review and approval of stormwater management plans for new developments to ensure that the following conditions can be met:
  - (i) Stormwater pollution control criteria for the Randleman Lake watershed outside of critical area:
    - (A) Low Density Option: For each development project, development density must be limited to either no more than one dwelling unit per acre of single family detached residential development (or 40,000 square foot lot excluding roadway right-of-way) or 12 percent built-upon area for all other residential and non-residential development. Stormwater runoff shall be transported primarily by vegetated conveyances. Conveyance system shall not include a discrete stormwater collection system as defined in Rule 15A NCAC 2B .0202;
    - (B) High Density Option: If new development exceeds the low density option requirements as stated in Sub-Item (2)(b)(i) of this Rule, then engineered stormwater controls must be used to control runoff from the first inch of rainfall. Engineering controls may consist of wet detention ponds designed in accordance with 15A NCAC 2H .1000 or alternative stormwater management systems consisting of other treatment options, or a combination of options, that are approved by the Director of the Division of Water Quality in accordance with 15A NCAC 2B .0104(g). New residential and non residential development

- shall not exceed 50 percent built-upon area, unless an alternative high density option is submitted to the Commission as part of the submittal of the local water supply watershed protection ordinance and determined by the Commission to provide equal or greater water quality protection in Randleman Reservoir and its tributaries;
- (C) Cluster development shall be allowed on a project-by-project basis as follows:
- (I) overall density of the project meets associated density or stormwater control requirements of this Section;
  - (II) buffers meet the minimum statewide water supply watershed protection requirements and those specified for the Randleman Lake watershed riparian areas in Rule .0250 of this Section;
  - (III) built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;
  - (IV) areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways;
  - (V) remainder of tract to remain in vegetated or natural state by utilization of one of the methods provided in Sub-Item 3(b)(i)(C)(VI) of this Rule;
  - (VI) area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement;
  - (VII) a maintenance agreement for the vegetated or natural area shall be filed with the Register of Deeds; and
  - (VIII) cluster development that meets the applicable low density option requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable;
- (D) If local governments choose the high density development option which requires engineered stormwater controls, then they shall assume ultimate responsibility for operation and maintenance of the required controls as outlined in Rule .0104 of this Subchapter;
- (E) Impervious cover shall be minimized to the maximum extent practical through clustering, narrower and shorter paved areas (streets, driveways, sidewalks, cul-de-sacs, and parking lots), and spreading rooftop and other impervious area runoff over pervious areas. Land clearing during the construction process shall be limited to the maximum extent practical. The local government permit shall require recorded deed restrictions and protective covenants to ensure that development activities maintain the development consistent with the plans and specifications approved by the local governments;
- (F) The project is in compliance with the riparian area protection requirements as specified in 15A NCAC 2B .0250 (Randleman Lake riparian area rule);
- (G) No new development shall be

allowed within 50 feet of waters affected by the Randleman riparian area rule 15A NCAC 2B .0250;

- (H) New development meeting the high density option shall be located at least 100 feet from perennial waters as identified on topo or soil survey maps; however, within the area between 50 and 100 feet adjacent to the perennial water body, water dependent structures, or other structures, such as flag poles, signs and security lights, which result in only diminimus increases in impervious area and public projects such as road crossings and greenways may be allowed where no practicable alternative exists; these activities shall minimize built-upon surface area, divert runoff away from surface waters and maximize the utilization of BMPs;
- (I) For local governments that do not use the high density option, a maximum of 10 percent of each jurisdiction's portion of the watershed outside of the critical area as delineated on April 1, 1999 may be developed with new development projects and expansions to existing development of up to 70 percent built-upon surface area in addition to the new development approved in compliance with the appropriate requirements of Sub-Item (3)(b)(ii)(A) of this Rule. For expansions to existing development, the existing built-upon surface area shall not be counted toward the allowed 70 percent built-upon surface area. A local government having jurisdiction within the watershed may transfer, in whole or in part, its right to the 10 percent/70 percent land area to local government within the watershed upon submittal of a joint resolution for review by the Commission. When the designated water supply watershed area is composed of

public land, such as National Forest land, local governments may count the public land acreage within the designated watershed area outside of the critical area in figuring the acreage allowed under this provision. Each project shall, to the maximum extent practicable, minimize built-upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts;

- (ii) Stormwater pollution control criteria for critical areas of the watershed:
  - (A) Low Density Option: Development density must be limited to either no more than one dwelling unit per two acres of single family detached residential development (or 80,000 square foot lot excluding roadway right-of-way) or six percent built-upon area for all other residential and non-residential development. Stormwater runoff shall be transported primarily by vegetated conveyances to the maximum extent practicable;
  - (B) High Density Option: If new development exceeds the low density option requirements as stated in Sub-Item (3)(b)(ii) of this Rule, then engineered stormwater controls must be used to control runoff from the first inch of rainfall. New residential and non residential development shall not exceed 30 percent built-upon area;
  - (C) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed;
  - (D) No new landfills shall be allowed; and
  - (E) Sub-Items (3)(b)(i)(C)-(H) of this Rule also apply to the critical area.
- (4) Within 12 months of the effective date of adoption of this Rule, all local governments with jurisdictions in the Randleman Lake watershed shall develop comprehensive stormwater management plans and submit those plans to the Commission for review and approval. Comprehensive stormwater



management plans meeting the criteria set forth in Subparts (4)(a) through (4)(f) of this Rule shall be approved. Within six months of the Commission's approval of the local plan, subject local governments shall adopt and implement their approved plan. Those plans shall include, but not be limited to, the following:

- (a) Evaluation of existing land use within Oak Hollow Lake subwatershed, High Point Lake subwatershed and Deep River I subwatershed in the Randleman Lake watershed with recommendations that show how overall built-upon area (for existing and future development) for each subwatershed can be minimized and high intensity land uses can be targeted away from surface waters and sensitive areas. Oak Hollow Lake subwatershed is defined as all land areas draining to Oak Hollow Lake. High Point Lake subwatershed is defined as all land areas draining to High Point Lake, East Fork Deep River and West Fork Deep River from Oak Hollow Lake Dam. Deep River I subwatershed is defined as all land areas draining to the Deep River from High Point Lake Dam to Freeman Mill Dam. This evaluation shall be done by the local governments having jurisdiction in those watersheds, working in cooperation with the PTRWA;
- (b) Coordination between all affected jurisdictions to encourage their development in the existing urban areas. The planning effort shall include provisions for areas of contiguous open space to be protected through conservation easements or other long-term protection measures and provisions to direct infrastructure growth towards existing urban development corridors rather than to rural lands;
- (c) Evaluation of existing ordinances, municipal programs (maintenance, street cleaning, etc.) and other local policies to identify opportunities for stormwater quality improvements including reducing the amount of built-upon area that is required for uses such as parking, building setbacks, road widths and cul-de-sacs. The evaluations shall consider development options such as multiple story buildings, mixed use to encourage pedestrian travel and mass transit and an identification of municipal activities and procedures that may be modified to allow for stormwater pollution prevention opportunities;
- (d) Implementation of watershed protection public education programs;
- (e) Identification and removal of illegal

discharges; and

- (f) Identification of suitable locations for potential stormwater retrofits (such as riparian areas) that could be funded by various sources.
- (5) Local governments may submit a more stringent local stormwater management program plan. Local stormwater management programs and modifications to these programs shall be kept on file by the Division of Water Quality.
- (6) If a local government fails to submit an acceptable local stormwater management program plan within the time frames established in this Rule or fails to properly implement an approved plan, then stormwater management requirements for existing and new urban areas within its jurisdiction shall be administered through the NPDES municipal stormwater permitting program per 15A NCAC 2H .0126 which shall include at a minimum:
  - (a) Subject local governments shall be required to develop and implement comprehensive stormwater management programs for both existing and new development.
  - (b) These stormwater management programs shall provide all components that are required of local government stormwater programs in this Rule.
  - (c) Local governments that are subject to an NPDES permit shall be covered by the permit for at least one permitting cycle (five years) before they are eligible to submit a revised local stormwater management component of their water supply watershed protection program for consideration and approval by the EMC.

*History Note: Authority G.S. 143-214.1; 143-214.5; 143-214.7; 143-215.1; 143-215.3(a)(1);  
Eff. April 1, 1999.*

#### **SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS**

##### **.0311 CAPE FEAR RIVER BASIN**

- (a) Places where the schedules may be inspected:

- (1) Clerk of Court:
  - Alamance County
  - Bladen County
  - Brunswick County
  - Caswell County
  - Chatham County
  - Columbus County
  - Cumberland County
  - Duplin County
  - Durham County
  - Forsyth County
  - Guilford County
  - Harnett County

Hoke County  
Lee County  
Montgomery County  
Moore County  
New Hanover County  
Onslow County  
Orange County  
Pender County  
Randolph County  
Rockingham County  
Sampson County  
Wake County  
Wayne County

(2) North Carolina Department of Environment and Natural Resources:

- (A) Winston-Salem Regional Office  
8025 North Point Boulevard, Suite 100  
Winston-Salem, North Carolina
- (B) Fayetteville Regional Office  
Wachovia Building  
Suite 714  
Fayetteville, North Carolina
- (C) Raleigh Regional Office  
3800 Barrett Drive  
Raleigh, North Carolina
- (D) Washington Regional Office  
1424 Carolina Avenue  
Washington, North Carolina
- (E) Wilmington Regional Office  
127 Cardinal Drive Extension  
Wilmington, North Carolina

(b) The Cape Fear River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) December 14, 1980;
- (4) August 9, 1981;
- (5) April 1, 1982;
- (6) December 1, 1983;
- (7) January 1, 1985;
- (8) August 1, 1985;
- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) October 1, 1987;
- (13) March 1, 1988;
- (14) June 1, 1988;
- (15) July 1, 1988;
- (16) January 1, 1990;
- (17) August 1, 1990;
- (18) August 3, 1992;
- (19) September 1, 1994;
- (20) August 1, 1998;
- (21) April 1, 1999.

(c) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective June 1, 1988 as follows:

- (1) Cane Creek [Index No. 16-21-(1)] from source to a

point 0.5 mile north of N.C. Hwy. 54 (Cane Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from Class WS-III to WS-I.

- (2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.

(d) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective July 1, 1988 by the reclassification of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all tributaries from C to WS-III.

(e) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows:

- (1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.
- (2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW.
- (3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.

(g) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules. (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In



some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective June 1, 1994 as follows:

- (1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to Class WS-V, Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class WS-IV to Class WS-V.

(k) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the normal pool elevation of the reservoir. All waters within the Randleman Reservoir Water Supply Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in 15A NCAC 2B .0248.

*History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*

*Eff. February 1, 1976;*

*Amended Eff. April 1, 1999; August 1, 1998; September 1, 1994; June 1, 1994; August 3, 1992; August 1, 1990.*

## **SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS**

### **SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS**

#### **.1208 OPERATOR TRAINING AND CERTIFICATION**

(a) Municipal Waste Combustors.

(1) By January 1, 2000, or six months after the date of startup of a municipal waste combustor located at a small municipal waste combustor plant, whichever is later, and by July 1, 1999 or six months after the date of startup of a municipal waste combustor located at a large municipal waste combustor plant, whichever is later:

- (A) Each facility operator and shift supervisor of a municipal waste combustor shall obtain and maintain a current provisional operator certification from the American Society of Mechanical Engineers (ASME QRO-1-1994).
- (B) Each facility operator and shift supervisor of a municipal waste combustor shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994).
- (C) The owner or operator of a municipal waste combustor plant shall not allow the facility to be operated at any time unless one of the following persons is on duty at the affected facility:
  - (i) a fully certified chief facility operator,
  - (ii) a provisionally certified chief facility operator who is scheduled to take full certification exam according to the schedule specified in Part (B) of this Subparagraph.
  - (iii) a fully certified shift supervisor, or
  - (iv) a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in Part (B) of this Subparagraph.

If one of the persons listed in this Part leaves the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirements in this Part.

(2) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall develop and update on a



yearly basis a site-specific operating manual that shall at the minimum address the elements of municipal waste combustor unit operation specified in Paragraphs (e)(I) through (e)(II) of 40 CFR 60.54b.

- (3) By July 1, 1999, or six months after the date of startup of a municipal waste combustor located at a small or large municipal waste combustor plant, whichever is later, the owner or operator of the municipal waste combustor plant shall comply with the following requirements:

(A) All chief facility operators, shift supervisors, and control room operators shall complete the EPA municipal waste combustor training course.

(i) The requirements specified in Part (A) of this Subparagraph shall not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before July 1, 1998.

(ii) As provided under 40 CFR 60.39b(c)(4)(iii) (B), the owner or operator may request that the Administrator waive the requirement specified in Part (A) of this Subparagraph for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before July 1, 1998.

(B) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall establish a training program to review the operating manual, according to the schedule specified in Subparts (i) and (ii) of this Part, with each person who has responsibilities affecting the operation of an affected facility, including the chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane-load handlers.

(i) Each person specified in Part (B) of this Subparagraph shall undergo initial training no later than the date specified in Items (I) through (III) of this Subpart, whichever is later.

(I) The date six months after the date of startup of the affected facility;

(II) July 1, 1999; or

(III) The date prior to the day when the person assumes responsibilities affecting

municipal waste combustor unit operation.

(ii) Annually, following the initial training required by Subpart (i) of this Part.

(C) The operating manual required by Subparagraph (2) of this Paragraph shall be kept in a readily accessible location for all persons required to undergo training under Part (B) of this Subparagraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request.

(4) The referenced ASME exam in this Rule is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty nine dollars (\$49.00).

(b) Hospital, Medical and Infectious Waste Incinerators.

(1) The owner or operator of a HMIWI shall not allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor on one or more HMIWI operators.

(2) Operator training and qualification shall be obtained by completing the requirements of Paragraphs (c) through (g) of 40 CFR Part 60.53c.

(3) The owner or operator of a HMIWI shall maintain, at the facility, all items required by Subparagraphs (h)(1) through (h)(10) of 40 CFR Part 60.53c.

(4) The owner or operator of a HMIWI shall establish a program for reviewing the information required by Subparagraph (3) of this Paragraph annually with each HMIWI operator. The initial review of the information shall be conducted by January 1, 2000. Subsequent reviews of the information shall be conducted annually.

(5) The information required by Subparagraph (3) of this Paragraph shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by Division personnel upon request.

(6) All HMIWI operators shall be in compliance with this Paragraph by July 1, 2000.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 40 CFR 60.35b; 40 CFR 60.34e;*

*Eff. July 1, 1998;*

*Amended Eff. July 1, 1999.*

## CHAPTER 3 - MARINE FISHERIES

### SUBCHAPTER 3P - HEARING PROCEDURES

#### SECTION .0200 - DECLARATORY RULINGS

**.0202 PROCEDURE FOR REQUESTING  
DECLARATORY RULINGS**

(a) All requests for a declaratory ruling shall be filed in writing with the Director of the Division of Marine Fisheries, Department of Environment and Natural Resources (DENR), P.O. Box 769, Morehead City, North Carolina 28557. All requests shall include the following: the aggrieved person's name and address; the rule, statute or order upon which a ruling is desired; a concise statement as to whether the request is for a ruling on the validity of a rule or on the applicability of a rule, order or statute to a given factual situation; arguments or data which demonstrate that the petitioner is aggrieved by the rule or statute or its potential application to him; a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner; and a statement of whether an oral argument is desired, and, if so, the reasons for requesting such an oral argument.

(b) A request for a ruling on the applicability of a rule, order, or statute must include a description of the factual situation on which the ruling is to be based. A request for a ruling on the validity of a Commission rule must state the aggrieved person's reasons for questioning the validity of the rule. A person may ask for both types of rulings in a single request. A request for a ruling must include or be accompanied by:

- (1) a statement of the facts proposed for adoption by the Commission; and
- (2) a draft of the proposed ruling.

(c) Before deciding the merits of the request, the Commission may:

- (1) request additional written submissions from petitioner(s);
- (2) request a written response from the Division staff or any other person; or
- (3) hear oral argument from the petitioner(s) and Division staff.

(d) Unless the Division waives the opportunity to be heard, it shall be a party to any request for declaratory ruling. Upon written request, the requesting party and the Division may each be allowed to present oral arguments to the Commission at a regularly scheduled meeting. Neither party may offer testimony or conduct cross-examination before the Commission. The declaratory ruling shall be determined on the basis of the statement of facts submitted by the parties.

(e) Whenever the Commission believes "for good cause" that the issuance of a declaratory ruling is undesirable, the Commission may refuse to issue such ruling. The Commission shall notify in writing the person requesting the ruling, stating the reasons for the refusal to issue a ruling on the request.

(f) For purposes of Subpart (e) of this Rule, the Commission shall ordinarily refuse to issue a ruling on a request for declaratory ruling on finding that:

- (1) the petitioner(s) and the Division cannot agree on a set of facts sufficient to support a meaningful ruling;
- (2) there has been a similar determination in a previous contested case or declaratory ruling;
- (3) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or federal

court; or

- (4) no genuine controversy exists as to the application of a statute or rule to the factual situation presented.

(g) The Commission shall keep a record of each declaratory ruling, which shall include at a minimum the following items:

- (1) the request for a ruling;
- (2) any written submissions by the parties;
- (3) the statement of facts on which the ruling was based;
- (4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;
- (5) any other matter considered by the Commission in making the decision; and
- (6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons therefore.

(h) A declaratory ruling is binding on the Commission and the person requesting it unless it is altered or set aside by the court. The Commission may not retroactively change a declaratory ruling, but nothing in this Section prevents the Commission from prospectively changing a ruling.

(i) Unless the requesting party consents to the delay, failure of the Commission to issue a ruling on the merits or deny the request within 60 days of receipt of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.53; 150B-4; Eff. April 1, 1999.*

**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 Part (I) 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 Part (J) 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 shall be considered as experimental and shall 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 remove 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 shall not be required if they are covered by dunes with vegetation sufficient to be considered stable and natural.

- (I) The property owner shall remove 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) Construction of a temporary erosion control structure shall be approved only once on any property regardless of ownership.
  - (M) Existing sandbag structures may be maintained provided that the permitted dimensions are not exceeded.
  - (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/Spoil Disposal.
- (A) 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.
  - (B) At the commencement of any large scale beach nourishment or spoil deposition project, the vegetation line shall be located by DCM and surveyed by the project sponsor or permittee. Said line shall be used for setback determinations so long as the spoil deposition or beach nourishment project is being maintained. A project shall be considered large scale when:
    - (i) it places more than a total volume of 200,000 cubic yards of sand at an average ratio of more than 50 cubic yards of sand per linear foot of shoreline, or
    - (ii) it is a Hurricane Protection project constructed by the U.S. Army Corps of Engineers.
  - (C) The vegetation lines in effect on the effective date of this Rule for Wrightsville Beach and Carolina Beach Hurricane Protection projects shall continue to be used after the effective date of this Rule.
- (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 Part (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 to the existing 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 and the local flood damage prevention ordinance as required by the National Flood Insurance Program. The building code or flood damage prevention ordinance may impose additional or more restrictive requirements than the following AEC standards.
  - (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. January 1, 1999; December 1, 1996; February 1, 1996; May 4, 1995.*

## **SUBCHAPTER 70 - NORTH CAROLINA COASTAL RESERVE**

### **SECTION .0100 - GENERAL PROVISIONS**

#### **.0105 RESERVE COMPONENTS**

(a) The North Carolina Coastal Reserve includes the following components:

- (1) Zeke's Island;
- (2) Rachel Carson;
- (3) Currituck Banks;
- (4) Masonboro Island;
- (5) Permuda Island;
- (6) Buxton Woods;
- (7) Bald Head Woods; and
- (8) Kitty Hawk Woods.

The North Carolina National Estuarine Research Reserve includes components (1)-(4).

(b) Detailed boundary maps for each component are maintained and available for inspection at the Division of Coastal Management, P.O. Box 27687, Raleigh, North Carolina 27611-7687.

*History Note: Authority G.S. 113-3; 113-8; 143B-10;*

*Eff. July 1, 1986;*

*Amended Eff. April 1, 1999; August 1, 1991; April 1, 1988.*

## **COASTAL RESERVE**

### **.0202 RESERVE USE REQUIREMENTS**

The following use requirements shall apply to all of the components of the Reserve:

- (1) The essential natural character of the Reserve shall be maintained.
- (2) Traditional recreational uses within each component shall be allowed to continue as long as the activities do not disrupt the natural integrity of the Reserve or any research or educational projects. Incompatible traditional uses shall include:
  - (a) fishing, hunting, or trapping activities not allowed by state rules;
  - (b) target shooting;
  - (c) hydraulic clam dredging within Reserve boundaries;
  - (d) use of vehicles off designated corridors at components where vehicles are allowed for upland transportation according to the management plan; and
  - (e) production of noise disruptive to local wildlife and the aesthetic enjoyment of the Reserve as a natural area.
- (3) No user shall disturb a research project or research equipment in place at the Reserve.
- (4) Camping or any form of habitation, whether on the uplands, wetlands, or waters within Reserve boundaries, shall not be allowed unless written permission is posted by the Division of Coastal Management.
- (5) Personal property not authorized by the management agency may not be placed within the boundaries of the Reserve for more than two consecutive days.
- (6) Users of the Reserve shall not disturb or remove any live animals, except those allowed by local or state hunting and fishing rules as they apply to the Reserve, or vegetation within the Reserve unless such action is part of a research or educational project approved by the management agency.
- (7) Persons wishing to engage in scientific research or collection of natural materials within the Reserve shall first secure written permission from the management agency.
- (8) No activity shall be allowed which might pollute any stream or body of water in the Reserve. Acts of pollution shall include:
  - (a) Deposition of solid materials not indigenous to the local coastal ecosystem; and
  - (b) Discharge of liquids other than uncontaminated estuarine water.
- (9) No other acts or uses which are detrimental to the maintenance of the property in its natural condition shall be allowed including, but not limited to, disturbances of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, deposition of waste materials.

### **SECTION .0200 - MANAGEMENT: USE AND PROTECTION OF THE NORTH CAROLINA**



*History Note: Authority G.S. 143B-10;*

*Eff. July 1, 1986;*

*Amended Eff. April 1, 1999; December 1, 1991; April 1, 1988.*

**CHAPTER 8 - WATER POLLUTION CONTROL  
SYSTEM OPERATORS CERTIFICATION  
COMMISSION**

**SUBCHAPTER 8G - AUTHORITY: ORGANIZATION:  
STRUCTURE: DEFINITIONS AND  
HEARING PROCEDURES**

**SECTION .0400 - ELIGIBILITY REQUIREMENTS  
FOR EXAMINATIONS**

**.0401 GENERAL REQUIREMENTS**

(a) An applicant for certification as an operator of a water pollution control system must meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall, at a minimum, include:

- (1) a high school diploma or a general educational development (GED) equivalent; and
- (2) be at least 18 years of age; and
- (3) have a general knowledge of typical wastewater characteristics and treatment processes; and
- (4) the ability to:
  - (A) read and understand the statutes and rules which govern water pollution control system operators and the operation of the type of system for which certification is being sought; and
  - (B) perform mathematical calculations required to operate the system for which certification is being sought; and
  - (C) complete and maintain logs and regulatory reporting forms required to document the proper operation of the system; and
  - (D) a knowledge of the equipment employed in the operation of the type of system for which certification is being sought along with the ability to describe the general maintenance requirements for such equipment.

(b) An applicant who has failed to achieve a passing score on a specific type and grade of examination after three consecutive attempts must:

- (1) attend, and satisfactorily complete, a training program sponsored or co-sponsored by the Commission of the same type and grade as the certification being sought; and
- (2) provide verification, in the form of a certificate of completion or other such documentation, of the satisfactory completion of the required training with any subsequent application made to the Commission to sit for the examination.

(c) An applicant for certification shall not have had any certification revoked by the Commission within the 730 calendar days period prior to the date of the application for

certification.

(d) An applicant for certification shall not be allowed to sit for any examination offered by the Commission during the period of a suspension of any certification held by the applicant with the Commission.

(e) An applicant that holds a valid biological or collection certification of any level on April 1, 1999, may progress to the highest level of certification of the same type without meeting the requirements of Subparagraph (a)(1) of this Rule.

*History Note: Authority G.S. 90A-39;*

*Eff. April 1, 1999.*

**.0402 ELIGIBILITY REQUIREMENTS FOR  
BIOLOGICAL WATER POLLUTION  
CONTROL SYSTEM OPERATORS**

Eligibility for certification as a Biological Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for Grade I certification, the applicant must:
  - have successfully completed a training school sponsored or co-sponsored by the Commission for Grade I Biological Water Pollution Control System operators.
- (2) for Grade II certification, the applicant must:
  - (a) have 6 months of actual experience at a Grade II, or higher, biological water pollution control system; and
  - (b) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade II Biological Water Pollution Control System operators.
- (3) for Grade III certification, the applicant must:
  - (a) hold a currently valid North Carolina Grade II Biological Water Pollution Control System Operator certificate; and
  - (b) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade III Biological Water Pollution Control System operators; and
    - (i) have two years of actual experience at a Grade II, or higher, biological water pollution control system, or
    - (ii) be a graduate of two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have 18 months of actual experience at a Grade II, or higher, biological water pollution control system.
- (4) for Grade IV certification, the applicant must:
  - (a) hold a currently valid North Carolina Grade III Biological Water Pollution Control System Operator certificate; and
  - (b) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade IV Biological Water Pollution Control System operators; and

- (i) have three years of actual experience at a Grade III, or higher, biological water pollution control system, or
- (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have two years of actual experience at a Grade III, or higher, biological water pollution control system.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0403 ELIGIBILITY REQUIREMENTS FOR  
WATER POLLUTION CONTROL  
COLLECTION SYSTEM OPERATORS**

Eligibility for certification as a Water Pollution Control Collection System Operator shall be based on the following qualifications:

- (1) for Grade I certification, the applicant must:  
have successfully completed a training school sponsored or co-sponsored by the Commission for Grade I water pollution control collection system operators.
- (2) for Grade II certification, the applicant must:
  - (a) hold a currently valid North Carolina Grade I Water Pollution Control Collection System Operator certificate; and
  - (b) have six months of actual experience in water pollution control collection system operations; and
  - (c) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade II water pollution control collection system operators.
- (3) for Grade III certification, the applicant must:
  - (a) hold a currently valid North Carolina Grade II Water Pollution Control Collection System Operator certificate; and
  - (b) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade III water pollution control collection system operators, and
    - (i) have two years of actual experience in water pollution control collection system operations, or
    - (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in a field directly related to the construction, operation, and/or maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have one year of actual experience in the operation of a water pollution control collection system.

- (4) for Grade IV certification, the applicant must:
  - (a) hold a currently valid North Carolina Grade III Water Pollution Control Collection System Operator certificate; and
  - (b) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade IV water pollution control collection system operators, and
    - (i) have three years of actual experience in water pollution control collection system operations, or
    - (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have two years of actual experience in the operation of a water pollution control collection system.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0404 ELIGIBILITY REQUIREMENTS FOR LAND  
APPLICATION OF RESIDUALS OPERATORS**

An applicant for certification as a Land Application of Residuals Operator shall have satisfactorily completed a land application of residuals operator training school sponsored or co-sponsored by the Commission and:

- (1) have one year of actual experience in the land application of residuals; or
- (2) be a graduate of a two or four year college, or university, and have taken, and passed, a minimum of six courses in the basic sciences; or
- (3) hold a valid grade III or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0405 ELIGIBILITY REQUIREMENTS FOR  
PHYSICAL/CHEMICAL WATER  
POLLUTION CONTROL SYSTEM  
OPERATORS**

(a) Eligibility for certification as a Physical/Chemical Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for the Grade I:  
have successfully completed a training school sponsored or co-sponsored by the Commission for Grade I Physical/Chemical Water Pollution Control System Operators.
- (2) for the Grade II:
  - (a) possess a currently valid Grade I



Physical/Chemical Water Pollution Control System Operator certificate; and

- (b) have one year of actual experience at a Grade II Physical/Chemical Water Pollution Control System; and
- (c) have successfully completed a training school sponsored or co-sponsored by the Commission for Grade II Physical/Chemical Water Pollution Control System Operators.

(b) Individuals working at physical/chemical water pollution control systems as of the effective date of this Rule and holding a valid Grade I, II, III, IV wastewater treatment plant operator certification, may apply for a conditional physical/chemical certificate without examination once the requirements of this Paragraph (a) of this Rule are met. For operators applying for a conditional Grade II physical/chemical certification, a Grade I physical/chemical certificate is not required. This conditional certificate allows the bearer to act as the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC) of that system only. This conditional certificate must be renewed per Section .0700 of this Subchapter.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0406 ELIGIBILITY REQUIREMENTS FOR SPRAY IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS**

An applicant for certification as a Spray Irrigation Water Pollution Control System Operator shall have satisfactorily completed a spray irrigation water pollution control system operator training school sponsored or co-sponsored by the Commission and:

- (1) have one year of actual experience in the operation of a spray irrigation water pollution control system; or
- (2) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences; or
- (3) be a private homeowner who intends to operate only their own domestic spray irrigation water pollution control system; or
- (4) hold a valid grade III or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS**

An applicant for certification as a Subsurface Water Pollution Control System Operator shall have successfully completed a subsurface water pollution control system operator training school sponsored or co-sponsored by the Commission and:

- (1) have one year of actual experience in the operation

- of a subsurface water pollution control system; or
- (2) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences; or
- (3) be a private homeowner who intends to operate only their own domestic subsurface water pollution control system; or
- (4) hold a valid grade III or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**.0409 ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS**

An applicant for certification as a Conditional Water Pollution Control System Operator must successfully complete a training school sponsored or co-sponsored by the Commission for the operation of the water pollution control system.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**SECTION .0500 - CERTIFICATION BY EXAMINATION**

**.0505 EXAMINATION REVIEWS**

(a) Any applicant that fails to make a passing score on an examination may request to review the examination. All requests to review an examination must be submitted to the Commission in writing within 15 days of receiving notification of failing to make a passing score on an examination. Only those applicants who fail to make a passing score on an examination will be allowed to review their examination.

(b) Applicants who submit a written request to review an examination shall be notified of a date, time, and location at which the applicant shall be given the opportunity to review their examination. This shall be the only opportunity the applicant will be allowed for reviewing their examination.

(c) Under no circumstances shall an applicant be allowed to review their examination within 30 calendar days of an upcoming examination date.

*History Note: Authority G.S. 90A-39;  
Eff. April 1, 1999.*

**SECTION .0800 - DISCIPLINARY ACTIONS**

**.0802 DISCIPLINARY ACTIONS**

(a) The Commission shall revoke or suspend the certification of an operator or issue a letter of reprimand to an operator in accordance with the provisions of G.S. 90A-41, 150B-3 and this Rule. The Chairman is delegated authority, if he is the designee of the Secretary, to issue a summary suspension pursuant to G.S.150B-3(c). The remaining procedures in this Rule shall then be followed to determine if



such suspension shall be made permanent.

(b) The Chairman of the Commission may issue notification of the intention to revoke or suspend or summary suspension of the certification of an operator or the intent to issue a letter of reprimand.

(c) The Chairman shall convene an advisory committee to review the circumstances of the proposed disciplinary action(s). Notification of the advisory committee meeting shall be sent by certified mail at least 15 calendar days prior to the date of the meeting, to the last known address of the operator. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification or letter of reprimand is based.

(d) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the advisory committee meeting. The operator shall also be given the opportunity to make an oral statement before the advisory committee.

(e) The advisory committee shall include at least:

- (1) the Chairman of the Water Pollution Control System Operators Certification Commission;
- (2) the Vice Chairman of the Commission;
- (3) the member of the Commission who represents the type of system at which the operator is employed or another member of the Commission appointed by the Chairman of the Commission; and
- (4) a certified operator appointed by the Chairman.

The members of the advisory committee shall offer guidance to the Commission Chairman in regards to the actions that should be taken against an operator.

(f) Within 10 working days of the conclusion of the advisory committee meeting, the Chairman shall issue a decision. If this decision is to issue a revocation or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of reprimand shall be delivered to the affected operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 calendar days prior to the effective date of the revocation or suspension or letter of reprimand.

(g) The revocation or suspension or letter of reprimand becomes a final Commission action if the operator does not file a petition for a contested case hearing in the Office of Administrative Hearings as provided in the Administrative Procedure Act, G.S. 150B.

(h) If an applicant is caught cheating on an examination by a proctor of the examination, the applicant shall be excused from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in this Rule. Eligibility to sit for future examinations shall be determined as set forth in Rule .0502 of this Subchapter.

(i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and

certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in this Rule. Eligibility to sit for future examinations shall be determined as set forth in Rule .0502 of this Subchapter.

*History Note: Authority G.S. 90A-40; 90A-41; 143B-300; 150B-23;*

*Eff. April 1, 1999.*

## **SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS**

### **.0902 ANNUAL REPORT**

On or before April 1 of each year, each contract operator, or contract operations firm, must submit an annual report to the Commission that includes:

- (1) the name, street address, mailing address, and business telephone number of the contract operator, or contract operations firm; and
- (2) the name, address, contact name, and telephone number of all water pollution control systems operated by the contract operator, or contract operations firm; and
- (3) the name, social security number, certificate type(s) and grade(s), and certification number(s) of all certified operators employed by the firm; and
- (4) the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC) designations for each operator employed by the firm and the name and permit number of each system for which each operator is the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC); and
- (5) the name, street address, mailing address, and telephone number of the certified laboratory(s) utilized by the contract operator, or contract operations firm.

*History Note: Authority G.S. 90A-45;*

*Eff. April 1, 1999.*

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

### **SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

#### **SECTION .0300 - GAME FISH**

### **.0302 MANNER OF TAKING INLAND GAME FISHES**

(a) Except as provided in this Rule, 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 that a daily creel limit of American and hickory shad may be taken with dip nets and bow nets 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;*

*Amended Eff. April 1, 1999.*

**.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 Supported Trout Waters and undesignated waters	7	None	All year, except March 1 to 6:00 a.m. on first Saturday in April (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 (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 1999, July 1, 1998; July 1, 1995; March 25, 1978; November 1, 1977.

- (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;*

*Amended Eff. April 1, 1999.*

#### SECTION .0400 - NONGAME FISH

#### .0404 SPECIAL DEVICE FISHING

(a) Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow as a licensed special device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless specifically prohibited, bow and arrow may be used in joint fishing waters. It is unlawful to take fish with crossbow and arrow in any inland fishing waters.

(b) Nets. Manually operated nets, including seines and bow, cast, dip, gill, drift and fyke nets may be used under the special device fishing license.

- (1) No fixed gill net or other stationary net which may be authorized as a special fishing device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of any other fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline, except in the Neuse, Trent, Northeast Cape Fear, Cape Fear, and Black Rivers and their tributaries. No anchored or fixed gill net or drift net shall be used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is attached to it at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following: owner's N.C. motor boat registration number, or owner's U.S. vessel documentation name, or owner's last name and initials.

- (2) It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

- (3) All fixed or drift gill nets must be attended when fished in the designated inland waters of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Gates, Greene, Harnett, Hertford, Hoke, Hyde, Jones, Lenoir, Martin, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell and Washington counties. Attended as used in this Rule, requires that fishermen be within 100 yards of all sets of nets at all times.

(c) Traps. Baskets and traps, including automobile tires, may be used under the special device fishing license. Such devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and upon which his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in length or 30 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be attached to the trap or used or set within 25 feet of the trap.

(d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special fishing device

license in the inland waters having a season for their use specified in Rule .0407 of this Section.

(e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons owning property adjacent to the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be attached to their property and not subject to special device license requirements.

(f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing license with a mesh of any size may be used to take eels for bait. Each pot must be marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

- (1) owner's N.C. motorboat registration number; or
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name and initials.

*History Note:* Authority G.S. 113-134; 113-272.2; 113-276; 113-292;

*Eff.* February 1, 1976;

*Amended Eff.* July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1, 1993.

#### **.0405 POSSESSION OF LICENSES**

Except as indicated in this Rule, 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. When using drag seines authorized for taking nongame fishes at beaches on inland fishing waters where there are migratory saltwater fishes—(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;

*Amended Eff.* April 1, 1999.

### **CHAPTER 18 - ENVIRONMENTAL HEALTH**

#### **SUBCHAPTER 18A - SANITATION**

#### **SECTION .1200 - GRADE A MILK**

### **SANITATION**

#### **.1202 MODIFICATIONS OF THE ADOPTION BY REFERENCE**

(a) The provisions of this Rule make amendments, additions, and deletions to the Milk Ordinance adopted by reference in Rule .1201 of this Section.

(b) In the Milk Ordinance, several blank spaces are identified by three periods ("..."). The following provisions identify the location of the blank spaces in the Milk Ordinance and provide the words to be inserted in the blanks:

- (1) On page 31, the second paragraph, the word "State" is inserted in the first blank, and the words "North Carolina" are inserted in the second blank.
- (2) On page 36, Section 1, Item X, the words "delegated representative" are inserted in the first blank, the words "Division of Environmental Health" are inserted in the second blank, and the rest of the sentence is deleted.
- (3) On page 37, Section 2, the first paragraph, the word "State" is inserted in the first blank, and the words "North Carolina" are inserted in the second blank.
- (4) On page 42, Section 5, the first paragraph, the words "North Carolina" are inserted.
- (5) On page 46, Section 6, second column, the fourth paragraph, the word "current" is inserted in the first blank and the word "current" is inserted in the second blank.
- (6) On page 76, Section 7, Item 6p, the first paragraph, the word "State" is inserted in the first blank, and the words "North Carolina" are inserted in the second blank.
- (7) On page 77, Section 7, Item 6p, Administrative Procedures, the word "State" is inserted in the first blank, and the words "North Carolina" are inserted in the second blank.
- (8) On page 122, Section 11, the first paragraph, the word "State" is inserted in the first blank, and the words "North Carolina" are inserted in the second and third blanks.

(c) The Milk Ordinance is amended by:

- (1) Deleting the words "or its jurisdiction" wherever the words appear in the Milk Ordinance.
- (2) Deleting the words "twelve months from the date this ordinance is adopted" as they appear on page 121, Section 9 of the Milk Ordinance, and substitute the words "January 1, 1985".
- (3) Adding the following paragraph to the end of Section 9 of the Milk Ordinance: "No restaurant, soda fountain, other food service establishment, retail outlet, milk distribution plant, or grocery store shall serve, sell or offer for sale any Grade "A" milk or milk products which have not been properly handled; which are in soiled cartons or containers; which have not been stored in clean refrigerated storage rooms or display cases; and which have not been maintained at a temperature of 45 degrees F. (7 degrees C.) or less".



- (4) Deleting the words "every 3 years" as they appear on page 61A, Section 7, Item 8r, Administrative Procedure No. 7, and substituting the words "once every year".
- (5) Deleting the words "every 3 years" as they appear on page 199, Appendix G, paragraph entitled "frequency", line No. 6, and by substituting the words "once every year".
- (6) Deleting Appendix C and all of Appendix D except Part V and VI.
- (7) Deleting the last sentence of Administrative Procedure No. 1 in Item 7r, Section 7, page 60A and by substituting the sentence "All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system".
- (8) Deleting the words "Appendix D, p. 155," as they appear on page 61A, Section 7, Item 8r, Administrative Procedure No. 1, by substituting the words "the Commission for Health Services' Rules governing water supplies", and by adding the following sentence at the end of Administrative Procedure No. 1: "Copies of 15A NCAC 18A .1700 and 15A NCAC 18C may be obtained from the Division."
- (9) Deleting the words "(see Appendix D, p. 155)" as they appear on page 61A, Section 7, Item 8r, Administrative Procedure No. 6.
- (10) Deleting the words "(see Appendix D)" as they appear on page 78, Section 7, Item 7p, Administrative Procedure No. 6.
- (11) Deleting the words "Appendix D, p. 155," as they appear on page 77, Section 7, Item 7p, Administrative Procedure No. 2, and by substituting the words "The Commission for Health Services' Rules governing water supplies".
- (12) Deleting Section 3 and the accompanying Administrative Procedures, and by deleting Sections 15 through 18.
- (13) Deleting the seventh paragraph of Section 5 on page 42, which begins with the words "should the violation" and by substituting the following paragraph: "Should the violation of any requirement set forth in Section 7, or in the case of a milk hauler also Section 6, be found to exist on an inspection, the posting of the inspection report shall serve as notice of intent to suspend the permit if the violation noted is not in compliance at the time of the next inspection. The finding of violation may be appealed by requesting a hearing within the time specified in the notice. If the violation is not in compliance at the time of the next inspection and a hearing is not requested within the time period stated in this Paragraph, the permit will be suspended".
- (14) Deleting the first sentence following the words "ENFORCEMENT PROCEDURE." which are

found in the Administrative Procedures of Section 5 on page 44.

*History Note: Authority G.S. 130A-275;*

*Eff. January 1, 1985;*

*Amended Eff. January 1, 1999; September 1, 1991; December 1, 1990; July 1, 1985.*

## SECTION .2800 - SANITATION OF CHILD DAY CARE FACILITIES

### .2804 FOOD SUPPLIES

(a) Food shall be in good condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods shall only be obtained from sources that are permitted or inspected by a health department or the North Carolina Department of Agriculture. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited.

(b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated milk. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Environmental Health Services Section, Division of Environmental Health, DENR, P.O. Box 29534, Raleigh, North Carolina 27626-0534. Unless prescribed by a physician, dry milk and dry milk products may be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.

(c) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker - packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency. After each container of shellstock has been emptied, the management shall remove the stub of the tag and retain it for a period of at least 90 days.

(d) Raw eggs or products containing raw eggs shall not be consumed, including raw cookie dough, cake batter, brownie mix, milkshakes, ice cream and other food products. A pasteurized egg product may be used as a substitute for raw eggs.

(e) Formula, mother's milk, and other bottled beverages sent from home shall be fully prepared, dated, and identified for the appropriate child at the child's home. All formula, mother's milk, and other bottled beverages shall be returned to the child's home or discarded at the end of each day. Formula provided by the child care center shall be commercially pre-packaged, ready-to-feed, fully prepared, and packaged in single-use containers. However, formula that does not meet these requirements may be provided by the child care center as



prescribed by the child's physician or instructed by parent or guardian in writing. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section. Formula and other beverages which require refrigeration, baby food after opening, and mother's milk shall be identified for the appropriate child and shall be refrigerated at 45°F (7°C) or below. Commercially prepared baby foods shall be served from a serving dish rather than the food jar. Upon opening jars of baby food shall be covered, dated with the date of opening, refrigerated, and used within 48 hours. However, baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding.

(f) Child care centers receiving prepared, ready-to-eat meals from outside sources shall use only catered meals obtained from a food handling establishment permitted or inspected by a health department. During transportation, food shall meet the requirements of these Rules relating to food protection and storage.

(g) All bag lunches containing potentially hazardous foods shall be refrigerated in accordance with this Section.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;*

*Amended Eff. February 1, 1995; January 1, 1992;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

## **TITLE 17 - DEPARTMENT OF REVENUE**

### **CHAPTER 1 - DEPARTMENTAL RULES**

#### **SUBCHAPTER 1C - GENERAL ADMINISTRATION**

##### **SECTION .0600 - SUBSTITUTE FORMS**

###### **.0601 APPROVAL REQUIRED FOR SUBSTITUTE FORMS**

(a) The Department prepares forms for taxpayers to use in reporting and paying taxes. The forms are designed to be able to be processed accurately and efficiently on the Department's processing equipment. A company that wants to reproduce a form of the Department for use by a taxpayer must meet the requirements of the Department before it does so. These requirements include obtaining from the Department a vendor number and the technical specifications for the form, submitting to the Department a draft of the substitute form for approval, and receiving a letter from the Department stating that the draft substitute form submitted complies with the Department's requirements. The person at the Department to contact to obtain approval of a substitute form is the Director of the Division that administers the tax.

(b) Rejection --The Department may reject any form that is submitted and is not a form prepared by the Department or approved for use by the Department.

*History Note: Authority 105-252; 105-262;  
Eff. April 1, 1999.*

## **CHAPTER 3 - INDIVIDUAL INCOME: INHERITANCE AND GIFT TAX DIVISION**

### **SUBCHAPTER 3B - INHERITANCE TAX**

#### **SECTION .0100 - GENERAL INFORMATION**

##### **.0102 INHERITANCE AND ESTATE TAX RETURN: FORM A-100**

##### **.0103 INHERITANCE AND ESTATE TAX CERTIFICATE: FORM A-102**

##### **.0104 INHERITANCE AND ESTATE TAX WAIVER: FORM A-105**

*History Note: Authority G.S. 105-25; 105-262;  
Eff. February 1, 1976;*

*Amended Eff. June 1, 1993;*

*Repealed Eff. January 1, 1999.*

##### **.0106 LOCK BOX RELEASE: FORM A-109**

*History Note: Authority G.S. 105-23; 105-24; 105-262;  
Eff. February 1, 1976;*

*Repealed Eff. January 1, 1999.*

##### **.0108 LIFE INSURANCE: ACCIDENTAL DEATH**

##### **.0109 LIFE INSURANCE: MORTGAGE CANCELLATION**

##### **.0110 DEDUCTIONS: MORTGAGE NOTE**

##### **.0111 VALUATION: TREASURY BONDS**

##### **.0112 VALUATION: REAL PROPERTY**

##### **.0113 FEDERAL ESTATE TAX**

*History Note: Authority G.S. 105-9; 105-9.1; 105-13;  
105-29; 105-262;*

*Eff. February 1, 1976;*

*Amended Eff. June 1, 1993; October 30, 1977;*

*Repealed Eff. January 1, 1999.*

##### **.0114 MORTGAGES AGAINST REAL PROPERTY: SCHEDULE Z**

*History Note: Authority G.S. 105-21; 105-262;  
Eff. May 1, 1994;*

*Repealed Eff. January 1, 1999.*

## **CHAPTER 5 - CORPORATE INCOME AND FRANCHISE TAX DIVISION**

### **SUBCHAPTER 5C - CORPORATE INCOME TAX**

#### **SECTION .2000 - EXTENSION OF TIME FOR FILING RETURN**

**.2004 EXTENSION OF FILING DATE**

A corporation will receive a seven-month extension of time to file its corporate franchise and income tax return if the corporation timely files Form CD-419, Application for Extension of Time To File Corporate Franchise and Income Tax Return. Payment of tax is not required to obtain an extension; however, interest accrues at the rate set under G.S. 105-241.1(i) on the amount not paid by the original due date of the corporate franchise and income tax return and the failure to pay penalty in G.S. 105-236(4) applies to the amount not paid by the original due date of the return.

*History Note: Authority G.S. 105-262; 105-263;  
Eff. April 1, 1999;  
Amended Eff. July 1, 1999; January 1, 1994.*

**CHAPTER 6 - INDIVIDUAL INCOME  
TAX DIVISION**

**SUBCHAPTER 6B - INDIVIDUAL INCOME  
TAX**

**SECTION .3200 - PENALTIES: INDIVIDUAL  
INCOME TAX**

**.3207 FAILURE TO FILE INFORMATIONAL  
RETURNS**

*History Note: Authority G.S. 105-236; 105-262;  
Eff. April 1, 1978;  
Amended Eff. June 1, 1993;  
Repealed Eff. January 1, 1999.*

**SECTION .3700 - ESTATES AND TRUSTS**

**.3719 FAILURE TO FILE PENALTIES**

*History Note: Authority G.S. 105-236; 105-262;  
Eff. February 1, 1976;  
Amended Eff. June 1, 1993;  
Repealed Eff. January 1, 1999.*

**CHAPTER 7 - SALES AND USE TAX**

**SUBCHAPTER 7B - STATE SALES AND USE TAX**

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

**.1704 GOVERNMENTAL ENTITIES NOT  
ELIGIBLE FOR REFUNDS**

G.S. 105-164.14(c) lists the governmental entities that are eligible for refunds of sales and use taxes. A governmental entity that is not listed in that subsection is not eligible for a refund. The governmental entities that are not eligible for a refund include the following:

- (1) An alcoholic beverage control board.

- (2) A community college established under G.S. 115D.
- (3) A drainage district.
- (4) A housing authority.
- (5) The North Carolina Civil Air Patrol, a State agency created by G.S. 143B-490.

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

*Eff. February 1, 1976;*

*Amended Eff. April 1, 1999; October 1, 1993; May 1, 1990;  
July 5, 1980.*

**SECTION .1800 - HOSPITALS AND SANITARIUMS**

**.1801 SALES TO AND BY HOSPITALS AND  
SIMILAR INSTITUTIONS**

(a) General. -- Hospitals, sanitariums, nursing homes, and rest homes are primarily engaged in rendering services and are considered the users or consumers of all tangible personal property they purchase for use in connection with these institutions. These institutions are liable for payment of sales or use tax on their purchases of tangible personal property except as explained in this Rule.

(b) Drugs and Medicines. -- Hospitals, sanitariums, nursing homes, and rest homes are considered the users or consumers of drugs or medicines they administer to patients. Purchases of drugs or medicines, other than insulin, by these institutions for use are subject to the four percent state tax and any applicable local sales or use tax. Sales of insulin are exempt from sales or use taxes whether or not sold on prescription.

If one of these institutions operates a pharmacy from which it makes across the counter sales of medicines and drugs and from which it purchases all medicines and drugs used by it in treating patients, then the institution may purchase drugs or medicines from a supplier without payment of tax if the institution is registered with the Department of Revenue for sales or use tax purposes and has furnished the supplier with a properly executed Certificate of Resale, Form E-590. By executing the certificate of resale, the institution assumes the liability for payment of and must pay directly to the department all sales or use taxes due on drugs and medicines used by the institution in caring for its patients. Sales of drugs and medicines by the pharmacy on prescription of physicians and dentists are exempt from tax. Sales of drugs and medicines, other than insulin, by the pharmacy without written prescriptions of physicians or dentists are subject to the four percent state tax and any applicable local sales or use tax.

(c) Food. -- Purchases of food by hospitals, sanitariums, nursing homes, or rest homes for use in furnishing meals to patients are exempt from State tax, but not the two % local tax, if the food could be purchased under the Food Stamp Program. If food purchased by an institution could not be purchased under that Program, the food is subject to both State and local sales or use tax. If, in addition to furnishing meals to patients, one of these institutions operates a cafeteria from which it makes sales of prepared meals or food to guests, visitors, employees, staff, or other persons, the institution must register with the Department of Revenue and collect and remit the tax



on its sales. If the food purchased by the institution for use in furnishing meals to patients cannot be distinguished from the food purchased for resale through the cafeteria, the institution may purchase all the food under a certificate of resale. An institution that does this assumes liability for payment of sales or use tax on food used in furnishing meals to its patients and on sales of meals by the cafeteria.

(d) Meals to Students. -- Meals and food products sold by a hospital operated by a State or private educational institution to student nurses are exempt from tax in accordance with G.S. 105-164.13(27).

(e) Purchases for Consumption. -- Except as provided by Paragraphs (b) and (c) of this Rule, Certificates of Resale, Form E-590, may not be used by hospitals, sanitariums, nursing homes, or rest homes when making taxable purchases of tangible personal property for use or consumption. The tax due on taxable purchases from North Carolina suppliers or out-of-state suppliers who charge North Carolina sales or use tax must be paid to the suppliers. An institution that makes taxable purchases from an out-of-state supplier who does not collect and remit North Carolina sales or use tax must register with the department and remit monthly the tax due on the purchases.

*History Note Authority G.S. 105-164.4; 105-164.6; 105-262; 105-467;*

*Eff. February 1, 1976;*

*Amended Eff. May 1, 1999; August 1, 1998; October 1, 1993; October 1, 1991; July 1, 1989.*

## **SECTION .2200 - FOOD AND FOOD PRODUCTS FOR HUMAN CONSUMPTION**

### **.2201 FOOD AND FOOD PRODUCTS**

(a) General. -- All retail sales of food or food products are subject to applicable State and local sales or use tax unless a statute exempts the sales from tax. Food that can be purchased under the Food Stamp Program is exempt from State tax, but not the two percent local tax.

(b) Exempt Cafeteria Food. -- The schools, institutions, and organizations whose sales of food and meals are exempt under G.S. 105-164.13(26), (26a), or (27) are not required to register with the Department. Therefore, unless one of these entities is otherwise required to register with the Department by reason of making other sales or purchases subject to the sales or use tax, it cannot furnish a Certificate of Resale, Form E-590, to its suppliers. When making purchases of food to be sold, one of these entities that is not registered must give the supplier information to the effect that the food purchased is to be sold by the entity's school cafeteria or dining room, and the supplier must enter this information on its records and on the sales invoices. Otherwise, the transactions may be subject to the tax. Registered schools, institutions, and organizations must furnish a properly executed Certificate of Resale, Form E-590, to a supplier to purchase food without paying tax on the purchase.

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

*105-164.13; 105-262; 105-467;*

*Eff. February 1, 1976;*

*Amended Eff. May 1, 1999; August 1, 1998; October 1, 1993; October 1, 1991; February 1, 1986; May 11, 1979.*

### **.2212 SEAFOODS**

A person who purchases fish or other seafood and sells it at retail is liable for the applicable State and local sales or use tax due on the sale. Seafood that can be purchased under the Food Stamp Program is exempt from State tax, but not the two percent local tax.

*History Note: Authority G.S. 105-164.4; 105-164.13; 105-262; 105-467;*

*Eff. February 1, 1976;*

*Amended Eff. May 1, 1999; August 1, 1998; October 1, 1993; October 1, 1991.*

## **SECTION .3200 - TELECOMMUNICATIONS AND TELEGRAPH COMPANIES**

### **.3201 TELECOMMUNICATIONS AND TELEGRAPH COMPANIES**

(a) Sales to telecommunications and telegraph companies regularly engaged in providing telephone and telegraphic services to subscribers on a commercial basis of central office equipment, switchboard and private branch exchange equipment and prewritten computer programs used in providing telecommunications service to subscribers are subject to the one percent sales or use tax with a maximum tax of eighty dollars (\$80.00) per article. For the purpose of determining the items that may be properly included in the terms central office equipment, switchboard equipment and private branch exchange equipment, reference is made to Accounts 2124, 2211, 2212, 2215, 2220, 2231, 2232, 2311, and 2341 of Title 47--Telecommunication Chapter 1, Part 32. Uniform System of Accounts For Telecommunications Companies, of the Federal Communications Commission's rules and regulations as revised to January 1, 1988, which are hereby incorporated by reference. This Rule has no application to future changes in the Federal Communications Commission's rules and regulations until such changes are reviewed by the Secretary of Revenue to determine the application of tax to the tangible personal property affected by such changes. Copies of these Rules and Regulations may be obtained from the Secretary's Office, Room 202, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, at a fee of ten cents (\$0.10) per page.

(b) Accounts 2211, 2212, 2215, 2220, 2231 and 2232; Central Office Equipment. These accounts include switchboards and other equipment, instruments and apparatus necessary to the functions of central offices. Sales to and purchases by the above-referred to telecommunications and telegraph companies of the items included in Central Office Equipment Accounts, are subject to the one percent sales or use tax with a maximum tax of eighty dollars (\$80.00) per article, irrespective of whether the items are classified in the



Uniform System of Accounts as capital expenditures or as maintenance expense. Examples of items contained in Central Office Equipment Accounts 2211, 2212, 2215, 2220, 2231 and 2232 which are taxable at the four percent state and any applicable local rate are:

- (1) aisle-lighting equipment attached to buildings;
- (2) minor building alterations when tangible personal property not properly termed central office equipment is affixed or attached to or in any manner becomes a part of a building or structure;
- (3) cable, other than that connecting central office units to each other or to distributing frames;
- (4) covers for transmission power apparatus;
- (5) desks and tables unless equipped with central office equipment when purchased;
- (6) foundations for engines and other equipment when part of building;
- (7) loading coils used outside central office, loud speaker equipment, operators' chairs;
- (8) platforms, rolling ladders, tarpaulins, ticket holders, toll ticket carriers;
- (9) water stills for battery service;
- (10) tools and portable testing equipment regardless of where used.

(c) Account 2124 - General Purpose Computers. This account includes any computer system used to test, diagnose, maintain and control more than one type of telecommunications plant in addition to computers which are used to perform general administrative information processing activities. That equipment which is used for the testing, diagnosis, maintenance, or control of more than one type of central office equipment is taxable at the one percent rate subject to the eighty dollar (\$80.00) maximum tax per article, whether classified under the Uniform System of Accounts as capital expenditures or as maintenance expense; however, all other equipment in this account is subject to the four percent state and any applicable local sales or use tax.

(d) Account 2311; Station Apparatus. This account includes private branch exchange equipment in addition to station apparatus. Equipment which is properly included in the term private branch exchange equipment is taxable at the one percent rate subject to the eighty dollar (\$80.00) maximum tax per article, whether classified by the Uniform System of Accounts as capital expenditures or as maintenance expense; however, all other equipment in this account is subject to the four percent state and any applicable local sales or use tax. Examples of items contained in Account 2311 which are taxable at the four percent state and applicable local rate are desk sets, hand sets, wall sets, mobile telephone equipment, backboards, battery boxes, booths, coil collectors, station wiring, protectors, arresters, ground rods, clamps, wire and similar associated equipment.

(e) Account 2341; Large Private Branch Exchange. This account contains equipment and apparatus necessary to the operation of the above named exchanges. The equipment and apparatus contained in this account which are properly included in the term private branch exchange equipment are subject to the one percent sales or use tax with a maximum tax

of eighty dollars (\$80.00) per article, whether classified under the Uniform System of Accounts as capital expenditures or as maintenance expense, but does not include any tangible personal property which is station apparatus. Examples of items included in Account 2341 which are taxable at the four percent state and applicable local rate are operators' chairs and equipment.

(f) Telecommunications Services. -- G.S. 105-164.4(a)(4a) and (4c) impose State taxes on certain telecommunications services. These taxes must be separately stated on each customer's bill. The taxes are payable as specified in G.S. 105-164.16(c).

All charges for tangible personal property and services provided in the delivery of telecommunications services to the purchaser are a part of the sale of services upon which the tax is due, notwithstanding that some charges may be billed separately to the customer from the time or flat rate charges. Taxable charges include charges for reconnecting service to a customer after service has been terminated for nonpayment and charges for disconnecting service. Taxable charges do not include any of the following:

- (1) Late payment charges.
- (2) Return check charges on customers' checks returned by a bank because of insufficient funds.
- (3) Charges for telecommunications services sold directly to the United States Government or an agency of the United States Government. A company that sells to the federal government or one of its agencies must obtain a purchase requisition from the federal government or the agency when it begins making the sales and must keep the requisition in its records.
- (4) Effective January 1, 2000, charges for coin-operated pay telephone service exempt from tax under G.S. 105-164.13.

(g) Property Sale or Lease. -- A telecommunications company that sells or leases equipment or other tangible personal property is liable for collecting and remitting the four percent State and any applicable local sales or use tax on the receipts from the sales or leases. Tax due on the sale or lease of property by a telecommunications company is payable in the same manner as tax due on the sale or lease of property by any other retailer; it is due monthly, quarterly, or semimonthly in accordance with G.S. 105-164.16(b).

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

*Eff.* February 1, 1976;

*Amended Eff.* April 1, 1999; October 1, 1993; October 1, 1991; October 1, 1990; July 1, 1989.

## CHAPTER 9 - MOTOR FUELS TAX DIVISION

### SUBCHAPTER 9I - HIGHWAY FUEL USE TAX

#### SECTION .0300 - CREDITS AND REFUNDS

**.0301 CARRY FORWARD CREDITS**

*History Note: Authority G.S. 105-262; 105-449.39;  
Eff. January 1, 1983;  
Amended Eff. January 1, 1994;  
Repealed Eff. January 1, 1999.*

**TITLE 19A - DEPARTMENT OF TRANSPORTATION**

**CHAPTER 6 - TRANSIT, RAIL, AND AVIATION**

**SUBCHAPTER 6B - PUBLIC TRANSPORTATION  
AND RAIL PROGRAM**

**SECTION .0400 - RAIL INDUSTRIAL  
ACCESS PROGRAM**

**.0404 ELIGIBLE COSTS**

Costs eligible for RIAP funding are as follows:

- (1) Reasonable engineering costs;
- (2) Site preparation, including necessary grading and drainage to construct track(s);
- (3) Track construction;
- (4) Switches; and
- (5) Grade crossings and signals.

*History Note: Authority G.S. 136-44.36; 143B-350(f) and (g);  
Eff. April 30, 1997;  
Amended Eff. April 1, 1999.*

**.0413 REQUESTS FOR REIMBURSEMENT**

(a) Upon execution of the Grant Agreement, the Grantee may be required to submit periodic progress reports to the Department until the project tracks are completed.

(b) The Department shall not reimburse the Grantee for eligible expenses until the Department verifies completion of the project tracks, the railroad certifies that it has used the project tracks, or the Department confirms that the railroad has used the project tracks.

(c) The Grantee shall submit one itemized request for reimbursement to the Department upon completion of project work at the following address:

Grants Administrator  
Rail Industrial Access Program  
North Carolina Department of Transportation  
PO Box 25201  
1 South Wilmington Street  
Raleigh, NC 27611

(d) The Department shall examine the request for reimbursement to verify that the costs were necessary to accomplish the project.

*History Note: Authority G.S. 143B-350(f) and (g);  
Eff. April 30, 1997;  
Amended Eff. April 1, 1999.*

**TITLE 21 - OCCUPATIONAL LICENSING  
BOARDS**

**CHAPTER 1 - NORTH CAROLINA ACUPUNCTURE  
LICENSING BOARD**

**SECTION .0100 - LICENSURE**

**.0105 QUALIFICATIONS FOR LICENSURE  
THROUGH LICENSE RECIPROCITY**

An applicant for licensure to practice acupuncture in North Carolina shall:

- (1) Submit a completed application;
- (2) Submit fees as required by Rule .0103 of this Section;
- (3) Have submitted directly to the North Carolina Acupuncture Licensing Board, an official letter from the licensing board of another jurisdiction with whom the North Carolina Acupuncture Licensing Board has a reciprocal licensing agreement, verifying that the applicant is currently licensed and in good standing in such jurisdiction.

*History Note: Authority G.S. 90-454; 90-455;  
Eff. April 1, 1999.*

**CHAPTER 8 - BOARD OF CERTIFIED PUBLIC  
ACCOUNTANT EXAMINERS**

**SUBCHAPTER 8A - DEPARTMENTAL RULES**

**SECTION .0300 - DEFINITIONS**

**.0301 DEFINITIONS**

(a) The definitions set out in G.S. 93-1(a) shall apply when those defined terms are used in 21 NCAC 8.

(b) In addition to the definitions set out in G.S. 93-1(a), the following definitions and other definitions in this Section apply when these terms are used in 21 NCAC 8:

- (1) "Active," when used to refer to the status of a person, describes a person who possesses a North Carolina certificate of qualification and who has not otherwise been granted "Retired," "Inactive," or "Conditional" status;
- (2) "Agreed upon procedure" means a client has engaged a CPA to issue a report of findings based on specific procedures performed on specific subject matter of specified elements, accounts, or accounting information that is part of but significantly less than a financial statement;
- (3) "AICPA" means the American Institute of Certified Public Accountants;
- (4) "Applicant" means a person who has applied to take the CPA examination;
- (5) "Attest service" means:



- (A) any audit,
- (B) any review of a financial statement,
- (C) any compilation of a financial statement when the CPA expects, or reasonably might expect, that a third party will use the compilation and the CPA does not disclose a lack of independence,
- (D) any examination of prospective financial information, and
- (E) any agreed upon procedure;
- (6) "Audit" means an examination of financial statements of a person by a CPA, conducted in accordance with generally accepted auditing standards, to determine whether, in the CPA's opinion, the statements conform with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;
- (7) "Board" means the North Carolina State Board of Certified Public Accountant Examiners;
- (8) "Calendar year" means the 12 months beginning January 1 and ending December 31;
- (9) "Candidate" means a person whose application to take the CPA examination has been accepted and who may sit for the CPA examination;
- (10) "Client" means a person who orally or in writing agrees with a licensee to receive any professional services;
- (11) "Commission" means compensation, except a referral fee, for recommending or referring any product or service to be supplied by another person;
- (12) "Compilation of a financial statement" means presenting in the form of a financial statement information that is the representation of any other person without the CPA's undertaking to express any assurance on the statement;
- (13) "Conditional," when used to refer to the status of a person, describes a person who holds a North Carolina certificate of qualification under certain conditions as imposed by the Board, such as additional requirements for failure to complete the required CPE hours in a calendar year;
- (14) "Contingent fee" means a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service;
- (15) "CPA" means certified public accountant;
- (16) "CPA firm" means a sole proprietorship, a partnership, a professional corporation, a professional limited liability company, or a registered limited liability partnership which uses "certified public accountant(s)" or "CPA(s)" in or with its name or offers to or renders any attest services in the public practice of accountancy;
- (17) "CPE" means continuing professional education;
- (18) "Disciplinary action" means revocation or suspension of, or refusal to grant, membership, or the imposition of a reprimand, probation, constructive comment, or any other penalty or condition;
- (19) "Examination of prospective financial information" means an evaluation by a CPA of:
  - (A) a forecast or projection,
  - (B) the support underlying the assumptions in the forecast or projection,
  - (C) whether the presentation of the forecast or projection is in conformity with AICPA presentation guidelines, and
  - (D) whether the assumptions in the forecast or projection provide a reasonable basis for the forecast or projection;
- (20) "FASB" means the Financial Accounting Standards Board;
- (21) "Forecast" means prospective financial statements that present, to the best of the responsible party's knowledge and belief, an entity's expected financial position, results of operations, and changes in financial position or cash flows that are based on the responsible party's assumptions reflecting conditions it expects to exist and the course of action it expects to take;
- (22) "GASB" means the Governmental Accounting Standards Board;
- (23) "Inactive," when used to refer to the status of a person, describes one who has requested inactive status and been approved by the Board and who does not use the title "certified public accountant" nor does he or she allow anyone to refer to him or her as a "certified public accountant," and neither he or she nor anyone else refers to him or her in any representation as described in 21 NCAC 8A .0308(b).
- (24) "IRS" means the Internal Revenue Service;
- (25) "Jurisdiction" means any state or territory of the United States or the District of Columbia;
- (26) "License year" means the 12 months beginning July 1 and ending June 30;
- (27) "Member of a CPA firm" means any CPA who has an equity ownership interest in a CPA firm;
- (28) "NASBA" means the National Association of State Boards of Accountancy;
- (29) "NCACPA" means the North Carolina Association of Certified Public Accountants;
- (30) "North Carolina office" means any office physically located in North Carolina;
- (31) "Participating CPA firm" means a CPA firm participating in the SQR program. It does not include CPA firms exempt by reason of 21 NCAC 8M .0102(a) or deemed in compliance pursuant to 21 NCAC 8M .0104;
- (32) "Person" means any natural person, corporation, partnership, professional limited liability company, registered limited liability partnership, unincorporated association, or other entity;
- (33) "Professional" means arising out of or related to the



- (34) particular knowledge or skills associated with CPAs; "Projection" means prospective financial statements that present, to the best of the responsible party's knowledge and belief, given one or more hypothetical assumptions, an entity's expected financial position, results of operations, and changes in financial position or cash flows that are based on the responsible party's assumptions reflecting conditions it expects would exist and the course of action it expects would be taken given such hypothetical assumptions;
- (35) "Referral fee" means compensation for recommending or referring any service of a CPA to any person;
- (36) "Retired," when used to refer to the status of a person, describes one possessing a North Carolina certificate of qualification who verifies to the Board that the applicant does not receive or intend to receive in the future any earned compensation for current personal services in any job whatsoever and will not return to active status. However, retired status does not preclude volunteer services for which the retired CPA receives no direct nor indirect compensation so long as the retired CPA does not sign any documents, related to such services, as a CPA;
- (37) "Revenue Department" means the North Carolina Department of Revenue;
- (38) "Review" means to perform an inquiry and analytical procedures that permit a CPA to determine whether there is a reasonable basis for expressing limited assurance that there are no material modifications that should be made to financial statements in order for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;
- (39) "SQR Advisory Committee" means the State Quality Review Advisory Committee to the Board;
- (40) "SQR Program" means the State Quality Review Program of the North Carolina State Board of Certified Public Accountant Examiners;
- (41) "SQR Review team" means that team of CPAs which reviews a CPA firm pursuant to the requirements of Subchapter 8M. A review team may be comprised of one or more members;
- (42) "SQR Review team captain" means that member of a review team who is responsible for the review and supervises the other members of the team;
- (43) "SQR Reviewer" means a member of a review team including the review team captain;
- (44) "Suspension" means a revocation for a specified period of time. A CPA may be reinstated after a specific period of time if the CPA has met all conditions imposed by the Board at the time of suspension; and
- (45) "Trade name" means a name used to designate a business enterprise.

*History Note: Authority G.S. 93-1; 93-12(8c); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1999; August 1, 1998; February 1, 1996; April 1, 1994.*

## **SUBCHAPTER 8F - REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANT EXAMINATION AND CERTIFICATE APPLICANTS**

### **SECTION .0100 - GENERAL PROVISIONS**

#### **.0107 COMMUNICATION OF RESULTS OF CPA EXAMINATIONS**

(a) The Board shall communicate to candidates in writing the result achieved in each of their examinations. Grades awarded to candidates shall not be released to third parties except by written consent of the candidate.

(b) In no event shall any information concerning answers of candidates be given to anyone other than the candidate.

(c) Examination grades shall be mailed on the uniform national release date agreed to with the NASBA and the AICPA. However, candidates may receive their grades personally at the offices of the Board on the release date by notifying the Executive Director in writing not later than five days prior to the release date.

(d) Information prepared by the Board's staff about the results of the examination and intended for public information shall be made available no earlier than the day after the uniform national release date.

*History Note: Authority G.S. 93-12(2); 93-12(3); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1999; April 1, 1994; May 1, 1989; December 1, 1987.*

### **SECTION .0500 - APPLICATIONS FOR CERTIFICATES**

#### **.0504 CANDIDATES' ACCOUNTANCY LAW COURSE REQUIREMENT**

(a) Within one year prior to applying for certification, all candidates for certification must pass an open book examination on the North Carolina Accountancy Statutes and Rules, including the Rules of Professional Ethics and Conduct contained therein.

(b) In lieu of taking the examination, a candidate may complete an eight-hour CPE course on the subject of the examination within one year prior to applying for the CPA certificate. Such course or examination must meet the requirements of 21 NCAC 8G .0404(a). This course may count toward the candidate's annual CPE requirement.

(c) A non-resident candidate for a reciprocal application must comply with Paragraph (a) or (b) of this Rule within 120 days of receiving his or her CPA certificate or the certificate shall expire and the individual shall reinstate the certificate pursuant to 21 NCAC 8J .0106.

*History Note: Authority G.S. 93-12(8a);  
Eff. October 1, 1987;  
Amended Eff. April 1, 1999; May 1, 1989.*

## **SUBCHAPTER 8H - RECIPROCITY**

### **.0101 RECIPROCAL CERTIFICATES**

(a) A person from another jurisdiction who desires to offer or render professional services as a CPA to his or her employer or a client in this state shall meet all the requirements imposed on an applicant under G.S. 93-12(5) or the requirements of G.S. 93-12(6).

(b) The fee for a reciprocal certificate shall be the maximum amount allowed by G.S. 93-12(7a).

(c) An applicant for a reciprocal certificate shall meet the following requirements:

(1) The applicant has the legal authority to use the CPA title and to practice public accountancy in a jurisdiction.

(2) The applicant has received a score of at least 75 on each part of the Uniform CPA Examination.

(d) An applicant applying for a reciprocal certificate under G.S. 93-12(6) must meet the following requirements which the Board considers to be substantially equivalent to those of G.S. 93-12(5):

(1) The applicant shall have 150 semester hours of college or university education including a bachelors or higher degree with a concentration in accounting and other courses that the Board may require from a college or university that is acceptable to the Board and one year of experience in the field of accounting verified by a certified public accountant who was the applicant's direct supervisor; or

(2) The applicant:

(A) within 10 years immediately preceding the filing date of the application, has had four years of experience in the field of accounting under the direct supervision of a CPA who held a valid license during the period of direct supervision in any state or territory of the United States or the District of Columbia; or

(B) has 10 years of experience in the field of accounting, or 10 years of experience teaching accounting as defined and calculated in 21 NCAC 8F .0409, or any combination of such experience earned within the 12 years immediately preceding the filing date of the application; and

(3) During the two years preceding the applicant's filing date for a reciprocal certificate, the applicant has completed 80 hours of CPE in courses meeting the requirements of 21 NCAC 8G .0401(a). However, an applicant who received his or her initial CPA license within four years from the filing date of the application for a reciprocal certificate is exempt from this CPE requirement.

(e) An applicant for change in status, reissuance, or reinstatement of a reciprocal certificate that was inactive,

forfeited, or retired more than 10 years before the date of reapplication, must comply with all current requirements for a reciprocal certificate.

*History Note: Authority G.S. 93-12(6); 93-12(7a);  
Eff. February 1, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. April 1, 1999; August 1, 1998; September 1, 1992; March 1, 1990.*

### **.0102 TEMPORARY PERMIT**

(a) The Board may grant temporary permits only to applicants for reciprocal certificates pending their qualification under 21 NCAC 8H .0101 and application to the Board on forms provided by the Board.

(b) Upon approval of a temporary permit, the Board will issue the applicant a statement confirming that the CPA is in good standing in the state issuing the CPA's certificate and is entitled temporarily to use the CPA title and engage in the public practice of accountancy in North Carolina for a stated period. The stated period shall expire 120 days after issue or upon issuance of the individual's reciprocal certificate, whichever comes first.

*History Note: Authority G.S. 93-12(6); 93-12(7a);  
Eff. February 1, 1976;*

*Readopted Eff. September 1, 1977;*

*Amended Eff. April 1, 1999; April 1, 1994; May 1, 1989;  
December 1, 1982.*

## **SUBCHAPTER 8I - REVOCATION OF CERTIFICATES AND OTHER DISCIPLINARY ACTION**

### **.0104 MODIFICATION OF DISCIPLINE AND NEW CERTIFICATE**

(a) A person or CPA firm that has been disciplined by the Board may apply to the Board for modification of the discipline at any time after the effective date of the Board's decision imposing it; however, if any previous application has been made with respect to the same discipline, no additional application shall be considered before the lapse of one year following the Board's decision on that previous application. Provided, however, that an application to modify permanent revocation shall not be considered until after five years from the date of the original discipline, nor more often than three years after the Board's last decision on any prior application for modification.

(b) The application for modification of discipline or for a new certificate shall be in writing, shall set out and, as appropriate, shall demonstrate good cause for the relief sought. The application for an individual shall be accompanied by at least three supporting recommendations, made under oath, from CPAs who have personal knowledge of the activities of the applicant since the discipline was imposed. The application for a CPA firm shall be accompanied by at least three supporting recommendations, made under oath, for each CPA partner, CPA member, or CPA shareholder from CPAs



who have personal knowledge of the activities of the CPA partner, CPA member, or CPA shareholder since the discipline was imposed.

(c) "Good cause" as used in Paragraph (b) of this Rule means that the applicant is completely rehabilitated with respect to the conduct which was the basis of the discipline. Evidence demonstrating such rehabilitation shall include evidence:

- (1) that such person has not engaged in any conduct during the discipline period which, if that person had been licensed or registered during such period, would have constituted the basis for discipline pursuant to G.S. 93-12(9);
- (2) that, with respect to any criminal conviction which constituted any part of the previous discipline, the person has completed the sentence imposed; and
- (3) that, with respect to a court order, restitution has been made to any aggrieved party.

(d) In determining good cause, the Board may consider all the applicant's activities since the disciplinary penalty was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the applicant was in good standing with the Board, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity. For the purpose of this Paragraph, "applicant" shall, in the case of a CPA firm, include CPA partners, CPA members, or CPA shareholders.

(e) Any person who applies for a modification of discipline and for a new certificate after revocation shall, in addition to the other requirements of this Section, comply with all qualifications and requirements for initial certification which exist at the time of the application.

(f) No application for a new certificate or for modification of discipline shall be considered while the applicant is serving a sentence for any criminal offense. Serving a sentence includes incarceration, probation (supervised or unsupervised), parole, or suspended sentence, any of which are imposed as a result of having been convicted or plead to a criminal charge.

(g) An application shall ordinarily be ruled upon by the Board on the basis of the recommendations and evidence submitted in support thereof. However, the Board may make additional inquiries of any person or persons, or request additional evidence it deems appropriate.

(h) As a condition for a new certificate or modification of discipline, the Board may impose terms and conditions it considers suitable.

*History Note: Filed as a Temporary Amendment Eff. September 15, 1983, for a period of 108 days to expire January 1, 1984; Authority G.S. 55B-12; 93-2; 93-12(7a); 93-12(7b); 93-12(9); Eff. September 1, 1982; Amended Eff. April 1, 1999; August 1, 1998; February 1, 1996; April 1, 1994.*

## **SUBCHAPTER 8J - RENEWALS AND REGISTRATIONS**

### **.0102 SUPERVISION OF CPA OFFICES**

*History Note: Authority G.S. 93-12(8a)(5); 93-12(9); Eff. February 1, 1977; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1994; May 1, 1989; August 1, 1988; June 16, 1980; Repealed Eff. April 1, 1999.*

### **.0107 MAILING ADDRESSES OF CERTIFICATE HOLDERS AND CPA FIRMS**

All certificate holders and CPA firms shall notify the Board in writing within 30 days of any change in address or business location.

*History Note: Authority G.S. 55B-12; 93-12(7b)(5); 93-12(9); Eff. October 1, 1984; Amended Eff. April 1, 1999; April 1, 1991; August 1, 1986.*

### **.0108 CPA FIRM REGISTRATION**

(a) All CPA firms shall register with the Board within 30 days after opening a North Carolina office or beginning a new CPA firm unless they are a professional corporation, professional limited liability company, or registered limited liability partnership, in which case they shall register prior to formation pursuant to 21 NCAC 8K .0104 and .0301.

(b) In addition to the initial registration required by Paragraph (a) of this Rule, all CPA firms shall register annually by January 31 with the Board upon forms provided by the Board.

(c) The information provided by the registration shall include:

- (1) Either an application for exemption from SQR, a request to be deemed in compliance with SQR or registration for SQR, pursuant to 21 NCAC 8M .0102 and .0104;
- (2) For all CPA firms not exempt from the SQR program, with the registration immediately following its review, the affidavit required by 21 NCAC 8M .0102(d);
- (3) For all North Carolina offices, an office registration form indicating the name of the office supervisor, the location of the office and its telephone number;
- (4) For all partnerships or registered limited liability partnerships, a list of all resident and nonresident partners of the partnership;
- (5) For all professional limited liability companies, the information set forth in 21 NCAC 8K .0104(d);
- (6) For all incorporated CPA firms, the information set forth in 21 NCAC 8K .0104(d);
- (7) For all CPA firms, the appropriate registration fees as set forth in 21 NCAC 8J .0110; and
- (8) For all new CPA firms, the percentage of ownership held individually by each owner who has five percent or more of ownership:
  - (A) in the new CPA firm; and
  - (B) at the year-end in each CPA firm in which



that owner was an owner during the preceding two years.

(9) For all changes in ownership of a CPA firm, the percentage of ownership held individually by each owner who has five percent or more of ownership.

(d) All information provided for registration with the Board shall pertain to events of and action taken during the year preceding the year of registration. The last day of the preceding calendar year is the "year-end".

(e) With regard to Paragraph (c)(3) of this Rule, one representative of a CPA firm may file all documents with the Board on behalf of the CPA firm's offices in North Carolina. However, responsibility for compliance with this Rule shall remain with each office supervisor.

(f) With regard to Paragraph (c)(4) or (c)(5) of this Rule, one annual listing by a representative of the partnership, registered limited liability partnership, or professional limited liability company shall satisfy the requirement for all owners of the CPA firm. However, each owner shall remain responsible for compliance with this Rule. The absence of a filing under Paragraph (c)(4) or (c)(5) of this Rule shall be construed to mean that no partnership, registered limited liability partnership, or professional limited liability company exists.

(g) Notice that a CPA firm has dissolved or any change in the information required by Paragraph (c)(3) of this Rule shall be delivered to the Board's office within 30 days after the change or dissolution occurs. A professional corporation or professional limited liability company which is dissolving shall deliver the Articles of Dissolution to the Board's office within 30 days of filing with the Office of the Secretary of State.

(h) Upon written petition by a CPA firm, the Board may, in its discretion, grant the CPA firm a conditional registration for a period of 60 days or less, if the CPA firm shows that circumstances beyond its control prohibited it from registering with the Board, completing a quality review or notifying the Board of change or dissolution pursuant to Paragraphs (a), (b), (c), and (g) of this Rule. The Board may grant a second extension under continued extenuating circumstances.

(i) A complete registration, as required by 21 NCAC 8J .0108(b) and (c), shall be postmarked with proper postage not later than the last day of January unless that date falls on a weekend or federal holiday, in which case the registration shall be postmarked or received in the Board office on the next business day. Only a U.S. Postal Service cancellation shall be considered as the postmark. If a registration is sent to the Board office via a private delivery service, the date the package is received by the delivery service shall be considered as the postmark.

*History Note: Authority G.S. 55B-10; 55B-12; 57C-1; 57C-2; 59-84.2; 93-12(8a); 93-12(8c);*

*Eff. June 1, 1985;*

*Amended Eff. April 1, 1999; August 1, 1998; August 1, 1995; April 1, 1994.*

#### **.0110 REGISTRATION AND SQR FEES**

The annual registration fees shall be as follows:

- (1) For participation within SQR or for a request to be deemed in compliance with SQR, seventy-five dollars (\$75.00) plus five dollars (\$5.00) for each additional North Carolina office of the CPA firm not excused from SQR by 21 NCAC 8M .0204;
- (2) For all professional corporations or professional limited liability companies, twenty-five dollars (\$25.00); and
- (3) For all non-incorporated CPA firms which have offices both within and outside the state of North Carolina, whether sole proprietorships, partnerships, or registered limited liability partnerships, an amount equal to two thousand five hundred dollars (\$2,500.00) or the number of CPA members of the CPA firm multiplied by ten dollars (\$10.00), whichever is less.

*History Note: Authority G.S. 55B-11; 55B-12; 57C-1; 57C-2; 59-84.2; 93-12(7b); 93-12(8a); 93-12(8c);*

*Eff. April 1, 1991;*

*Amended Eff. April 1, 1999; August 1, 1998; April 1, 1994.*

#### **.0111 COMPLIANCE WITH CPA FIRM AND SQR REGISTRATION**

If a CPA firm fails to comply with any part of 21 NCAC 8J .0108, 8J .0110, or 8M .0102, the Board may take disciplinary action against the CPA firm's members. Such discipline may include:

- (1) a conditional license upon such conditions as the Board may deem appropriate for non-compliance of less than 60 days;
- (2) a conditional license and one hundred dollar (\$100.00) civil penalty for non-compliance in excess of 60 days but not more than 120 days;
- (3) a suspension of each member's CPA certificate for a period of not less than 30 days for non-compliance in excess of 120 days.

*History Note: Authority G.S. 55B-12; 57C-1; 57C-2; 59-84.2; 93-12(8c); 93-12(9);*

*Eff. April 1, 1994;*

*Amended Eff. April 1, 1999.*

### **SUBCHAPTER 8K - PROFESSIONAL CORPORATIONS AND PROFESSIONAL LIMITED LIABILITY COMPANIES**

#### **SECTION .0100 - GENERAL PROVISIONS**

##### **.0104 REGISTRATION AND RENEWAL**

(a) Domestic CPA professional corporations or professional limited liability companies must be formed and all CPA professional corporations or professional limited liability companies must be operated in accordance with the requirements set out in G.S. 55B and 57C. Before any CPA professional corporation or professional limited liability company can offer to perform or perform any professional services in this state, it must register with the Board.

(b) Initial registration.

- (1) Domestic CPA Corporation or Professional Limited Liability Company. In order to register initially with this Board, the incorporators of a domestic CPA corporation or professional limited liability company, prior to incorporation of the CPA firm, must:

- (A) prepare and file with the Board the articles of incorporation along with any supporting documents and appropriate checks for fees payable to the Secretary of State;
- (B) complete and file with the Board the application for professional corporation or professional limited liability company registration form along with any supporting documents; and
- (C) pay to the Board an initial registration fee of fifty dollars (\$50.00).

- (2) Foreign CPA Corporation or Foreign Limited Liability Company. To register initially with the Board, the officers of a foreign corporation or foreign limited liability company, prior to performing services or offering to perform services in North Carolina, must submit to the Board:

- (A) on an application for registration form provided by the Board, a list of its present shareholders or members and the state or territory issuing the CPA certificate, or the equivalent, of each shareholder or member and the number of each certificate or equivalent; and
- (B) the documents required by G.S. 55A-61, 55A-62, and 57C-7.

(c) In addition to its initial registration, every CPA corporation or professional limited liability company, whether domestic or foreign, must register annually pursuant to 21 NCAC 8J .0108.

(d) The application for registration by a CPA corporation or professional limited liability company shall provide the following information:

- (1) the name and address of the professional corporation or professional limited liability company;
- (2) the address of each office operated or maintained by the corporation or professional limited liability company;
- (3) the names and addresses of all the officers, directors, shareholders, or members; and
- (4) the names and addresses of all the employees and managers of the corporation or professional limited liability company licensed by the Board under the provisions of G.S. 93.

*History Note: Authority G.S. 55B-11; 57C-1; 57C-2; 59-84.2; 93-8; 93-12(7b); 93-12(8c);*

*Eff. February 1, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. April 1, 1999; April 1, 1994; April 1, 1991; May*

*1, 1989.*

**.0105 SUPPLEMENTAL REPORTS**

(a) The Board may request in writing such supplemental reports as it deems appropriate from any professional corporations or professional limited liability companies registered with the Board pursuant to G.S. 55B, 57C, and these rules. The professional corporation or professional limited liability company shall file such reports with the Board's office within 30 days from the date it received the request.

(b) In addition to the supplemental reports required by 21 NCAC 8J .0108(g), professional corporations or professional limited liability companies registered with the Board pursuant to G.S. 55B and 57C shall file a certified copy of all amendments to the articles of incorporation or articles of organization prior to the effective date of each amendment. They shall also file a copy of any amendment to the by-laws, certified to be a true copy by the secretary or an assistant secretary of the corporation or professional limited liability company, prior to adoption of the amendment.

*History Note: Authority G.S. 55B-11; 57C-1; 57C-2; 93-12(3);*

*Eff. February 1, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. April 1, 1999; April 1, 1994; April 1, 1991; May 1, 1989.*

**SUBCHAPTER 8M - STATE QUALITY  
REVIEW PROGRAM**

**SECTION .0100 - GENERAL SQR  
REQUIREMENTS**

**.0102 REGISTRATION REQUIREMENTS**

(a) A CPA firm which has not performed any audits, reviews, compilations, or agreed upon procedures during the 12 months prior to the year-end of the registration required by 21 NCAC 8J .0108(a) and (b) shall be exempt from the SQR program for the 12 months following the year-end but not from registering with the Board.

(b) Unless exempt under Paragraph (a) of this Rule, each ongoing CPA firm shall complete an SQR within 24 months following the year-end of each registration unless it has completed an SQR within 24 months prior to the year-end.

(c) Unless exempt under Paragraph (a) of this Rule, a new CPA firm shall complete its initial SQR within 24 months of the date of its initial registration pursuant to 21 NCAC 8J .0108(a).

(d) Every CPA firm not exempt from SQR by Paragraph (a) of this Rule, after completion of a quality review, shall procure a statement signed by the review team captain, a statement signed by a member of the CPA firm being reviewed, or letter of acceptance from an approved review program, stating that the CPA firm has completed an SQR or one of the review programs listed or referred to in 21 NCAC 8M .0104. The CPA firm shall submit the statement or documentation with the annual registration following the review as set forth in 21



NCAC 8J .0108(c)(2).

(e) For purposes of this Rule, an SQR is complete when the review team has delivered its report required by 21 NCAC 8M .0306 to the reviewed CPA firm. Any quality review other than SQR is complete when the review team has delivered its final report to the reviewed CPA firm. If mailed, a report shall be deemed delivered when postmarked.

*History Note: Authority G.S. 93-12(7b); 93-12(8c);*

*Eff. April 1, 1991;*

*Amended Eff. April 1, 1999; August 1, 1998; February 1, 1996; April 1, 1994.*

## **SECTION .0200 - DUTIES OF THE REVIEWED FIRM**

### **.0204 CERTAIN OFFICES EXCUSED**

The following offices of participating CPA firms are not required to participate in the SQR program:

- (1) offices which are not North Carolina offices, and which have not performed any audits, reviews, compilations, or agreed upon procedures for clients in North Carolina; and
- (2) North Carolina offices which have not performed any audits, reviews, compilations, or agreed upon procedures for the 12 months prior to the year-end set forth in 21 NCAC 8J .0108.

*History Note: Authority G.S. 93-12(8c);*

*Eff. April 1, 1991;*

*Amended Eff. April 1, 1999; August 1, 1998.*

## **SECTION .0400 - SQR ADVISORY COMMITTEE**

### **.0401 SQR ADVISORY COMMITTEE - MEMBERS AND DUTIES**

(a) The SQR Advisory Committee shall consist of six CPAs appointed by the Board and one Board member appointed by the Board's President.

(b) The SQR Committee shall:

- (1) beginning January 1, 1996, review all modified and adverse SQR reports and letters of comments, if any, submitted by review team captains under the SQR program;
- (2) consider all objections filed pursuant to 21 NCAC 8M .0402(a); and
- (3) make recommendations to the Board consistent with these Rules concerning each of Subparagraphs (b)(1) and (2) of this Rule.

(c) Prior to making any recommendations to the Board, the Committee shall give notice of its proposed recommendation to the CPA firm to which the recommendation pertains.

(d) The Committee shall also recommend remedial action to participating CPA firms receiving modified or adverse reports which, if followed, could increase the participating CPA firm's ability to perform quality services in the public practice of accounting.

(e) The Committee shall report at least annually to the

Board on its activities and, further, at any time the Board requests a special report.

*History Note: Authority G.S. 93-12(2); 93-12(8c);*

*Eff. April 1, 1991;*

*Amended Eff. April 1, 1999; February 1, 1996; August 1, 1995.*

## **SUBCHAPTER 8N - PROFESSIONAL ETHICS AND CONDUCT**

### **SECTION .0200 - RULES APPLICABLE TO ALL CPAs**

#### **.0202 DECEPTIVE CONDUCT PROHIBITED**

(a) Deception Defined. A CPA shall not engage in deceptive conduct. Deception includes fraud or misrepresentation and representations or omissions which a CPA either knows or should know have a capacity or tendency to deceive. Deceptive conduct is prohibited whether or not anyone has been actually deceived. Deception includes not only deceptive statements but also includes the knowing failure to disclose material facts.

(b) Prohibited Deception. Prohibited conduct under this Section includes but is not limited to deception in:

- (1) obtaining or maintaining employment;
- (2) obtaining or keeping clients;
- (3) obtaining or maintaining certification, retired status, or exemption from SQR;
- (4) reporting CPE credits;
- (5) certifying the character or experience of exam or certificate applicants;
- (6) implying abilities not supported by valid education, professional attainments, or licensing recognition;
- (7) asserting that services or products sold in connection with use of the CPA title are of a particular quality or standard when they are not;
- (8) creating false or unjustified expectations of favorable results;
- (9) using or permitting another to use the CPA title in a form of business not permitted by the accountancy laws or rules;
- (10) permitting anyone not certified in this state (including one licensed in another state) to unlawfully use the CPA title in this state or to unlawfully operate as a CPA firm in this state; or
- (11) falsifying a review, report, or any required program or checklist of any quality review program.

*History Note: Authority G.S. 55B-12; 57C-2-01; 93-12(9);*

*Eff. April 1, 1994;*

*Amended Eff. April 1, 1999.*

### **SECTION .0300 - RULES APPLICABLE TO ALL CPAs WHO USE THE CPA TITLE IN OFFERING OR RENDERING PRODUCTS OR SERVICES TO CLIENTS**



**.0302 FORMS OF PRACTICE**

(a) **Authorized Forms of Practice.** A CPA who uses CPA in or with the name of the business or offers or renders attest services in the public practice of accountancy to clients shall do so only through a duly authorized sole proprietorship, partnership, Professional Corporation, Professional Limited Liability Company, or Registered Limited Liability Partnership.

(b) **Authorized Ownership.** A CPA firm may have a minority ownership of up to 49 percent owned by non-CPAs with the exception of Professional Corporations organized under G.S. 55B or Professional Limited Liability Companies organized under G.S. 57C which shall not have any non-CPA ownership. A CPA firm shall have majority ownership of at least 51 percent and be controlled in law and fact by holders of valid CPA certificates who have the unrestricted privilege to use the CPA title and to practice public accountancy in a jurisdiction and at least one whom shall be licensed by this Board.

(c) **CPA Firm Registration Required.** A CPA shall not offer or render professional services through a CPA firm which is in violation of the registration requirements of 21 NCAC 8J .0108, 8J .0110, or 8M .0102.

(d) **Supervision of CPA Firms.** Every North Carolina office of a CPA firm registered in North Carolina shall be actively and locally supervised by a designated actively licensed North Carolina CPA whose primary responsibility and a corresponding amount of time shall be work performed in that office.

(e) **CPA Firm Requirements for Non-CPA Ownership.** A CPA firm and its designated supervising CPA partner shall be held accountable for the following in regard to a non-CPA owner:

- (1) a non-CPA owner shall be a natural person or a general partnership or limited liability partnership directly owned by natural persons;
- (2) a non-CPA owner shall actively participate in the business of the firm or an affiliated entity as his or her principal occupation;
- (3) a non-CPA owner shall comply with all applicable accountancy statutes and the administrative code;
- (4) a non-CPA owner shall be of good moral character and shall be dismissed and disqualified from ownership for any conduct that, if committed by a licensee, would result in a discipline pursuant to G.S. 93-12(9);
- (5) a non-CPA owner shall report his or her name, home address, home phone number, and social security number on the CPA firm's registration; and
- (6) a non-CPA owner's name may not be used in the name of the CPA firm or held out to clients or the public that implies the non-CPA owner is a CPA.

*History Note:* Authority G.S. 55B-12; 57C-2-01; 93-12(9); Eff. April 1, 1994;

*Amended Eff. April 1, 1999; August 1, 1995.*

**.0303 OBJECTIVITY AND CONFLICTS OF****INTEREST**

(a) **Personal Financial Interest in Advice.** When offering or rendering accounting or related financial, tax, or management advice, a CPA shall be objective and shall not place the CPA's own financial interests nor the financial interests of a third party ahead of the legitimate financial interests of the CPA's client or the public in any context in which a client or the public can reasonably expect objectivity from one using the CPA title.

(b) **Expectation of Objectivity Presumed.** If the CPA uses the CPA title in any way to obtain or maintain a client relationship, the Board will presume the reasonable expectation of objectivity.

(c) **Acceptance of a Commission or Referral Fee.** A CPA shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the CPA also performs for that client:

- (1) an audit or review of a financial statement; or
  - (2) a compilation of a financial statement when the CPA expects, or reasonably might expect, that a third party will use the financial statement and the CPA's compilation report does not disclose a lack of independence; or
  - (3) an examination of prospective financial information.
- This prohibition applies during the period in which the CPA is engaged to perform any of the services listed in Subparagraph (c)(2) of this Rule and the period covered by any historical financial statements involved in such listed services.

(d) **Acceptance of a Contingent Fee.**

- (1) The offering or rendering of professional services for, or the receipt of, a contingent fee by a CPA is not prohibited except for engaging to render or rendering by a CPA for a contingent fee:
  - (A) of professional services for, or the receipt of such a fee from, any person for whom the CPA also performs attest services, during the period of the attest services engagement and the period covered by any historical financial statements involved in such attest services; and
  - (B) for the preparation of original or amended tax returns or claims for tax refunds.
- (2) Fees are not regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies.

(e) For the purposes of this Rule, a CPA shall provide disclosure to a client in accepting a commission, referral, or contingent fee. A CPA shall provide disclosure in a written statement of the service or product to be rendered or referred with the contingent fee, commission, or referral fee to be charged or received. The written statement shall be dated; signed by the CPA and client in advance of any sale, referral, or service provided; and a copy given to the client.

*History Note:* Authority G.S. 55B-12; 57C-2-01; 93-12(9);

*Eff. April 1, 1994;*  
*Amended Eff. April 1, 1999.*

### **.0306 ADVERTISING OR OTHER FORMS OF SOLICITATION**

(a) Deceptive Advertising. A CPA shall not seek to obtain clients by advertising or using other forms of solicitation in a manner that is deceptive.

(b) Specialty Designations. A CPA may advertise the nature of services provided to clients but the CPA shall not advertise or indicate a specialty designation or other title unless the CPA has met the requirements of the granting organization for the separate title or specialty designation and the individual is currently on active status and in good standing with the granting organization for the separate title or specialty designation.

(c) The CPA firm shall offer to perform or advertise professional services only in the exact name of the CPA firm as registered with the Board.

(d) Any CPA or CPA firm offering to or performing professional services via the internet shall include the following information on the internet:

- (1) CPA business or CPA firm name;
- (2) principal place of business;
- (3) business phone; and
- (4) North Carolina certificate number and North Carolina as state of certification.

(e) The use of the phrase "certified public accountant(s)" or "CPA(s)" in the name of any business entity on letterhead, reports, business cards, brochures, office signs, telephone directories, or any other advertisements or forms or solicitation is prohibited except for registered CPA firms.

*History Note: Authority G.S. 55B-12; 57C-2-01; 93-12(9);*  
*Eff. April 1, 1994;*

*Amended Eff. April 1, 1999; February 1, 1996.*

### **.0307 CPA FIRM NAMES**

(a) Deceptive Names Prohibited. A CPA or CPA firm shall not trade upon the CPA title through use of any name that would have the capacity or tendency to deceive. The name of one or more former members of the CPA firm, as defined in 21 NCAC 8A .0301, may be included in the CPA firm name. The name of a non-CPA owner in a CPA firm name is prohibited.

(b) Style of Practice. It is considered misleading if a CPA firm practices under a name or style which would tend to imply the existence of a partnership or registered limited liability partnership or a professional corporation or professional limited liability company of more than one CPA shareholder or CPA member or an association when in fact there is no partnership nor is there more than one CPA shareholder or CPA member of a CPA firm. For example, no CPA firm having just one CPA owner may have as a part of its name the words "associates" or "company" or their abbreviations. It is also considered misleading if a CPA renders non-attest professional services through a non-CPA firm using a name that implies any non-licensees are CPAs.

(c) Any CPA firm that has continuously used an assumed

name approved by the Board prior to April 1, 1999, may continue to use the assumed name, so long as the CPA firm is only owned by the individual practitioner, partners, or shareholders who obtained Board approval for the assumed name. A CPA firm (or a successor firm by sale, merger, or operation of law) may continue to use the surname of a retired or deceased partner or shareholder in the CPA firm's name so long as that use is not deceptive.

*History Note: Authority G.S. 55B-12; 57C-2-01; 93-12(9);*  
*Eff. April 1, 1994;*

*Amended Eff. April 1, 1999; August 1, 1995.*

## **CHAPTER 32 - BOARD OF MEDICAL EXAMINERS**

### **SUBCHAPTER 32F - ANNUAL REGISTRATION**

#### **.0103 FEE**

Each physician shall pay an annual registration fee of one hundred dollars (\$100.00) to the Board every year in accordance with G.S. 90-15.1; except, each physician holding a resident's training license shall pay an annual registration fee of fifteen dollars (\$15.00), and every physician who holds a special volunteer license shall pay an annual registration fee of ten dollars (\$10.00), and every physician who holds a limited volunteer license shall pay no fee.

*History Note: Authority G.S. 90-12; 90-15.1;*  
*Eff. February 1, 1976;*

*Amended Eff. December 1, 1995; October 1, 1994; November 1, 1991; May 1, 1989;*

*Temporary Amendment Eff. November 25, 1996;*

*Temporary Amendment Eff. November 25, 1996 expired on September 12, 1997;*

*Temporary Amendment Eff. January 1, 1998;*

*Amended Eff. May 1, 1999.*

### **SUBCHAPTER 32M - APPROVAL OF NURSE PRACTITIONERS**

#### **.0101 DEFINITIONS**

The following definitions apply to this Subchapter:

- (1) "Medical Board" means the North Carolina Medical Board.
- (2) "Board of Nursing" means the Board of Nursing of the State of North Carolina.
- (3) "Joint Subcommittee" means the subcommittee composed of members of the Board of Nursing and Members of the Medical Board to whom responsibility is given by G.S. 90-6 and G.S. 90171.23(b)(14) to develop rules to govern the performance of medical acts by nurse practitioners in North Carolina.
- (4) "Nurse Practitioner or NP" means a currently licensed registered nurse approved to perform medical acts, consultation, collaboration and evaluation of the medical acts performed. Only a re



under an agreement with a licensed physician for ongoing supervision of a registered nurse approved by the Medical Board and the Board of Nursing may legally identify oneself as a Nurse Practitioner. It is understood that the nurse practitioner, by virtue of RN licensure, is independently accountable for those nursing acts which he or she may perform.

- (5) "Nurse Practitioner Applicant" means a registered nurse who may function prior to full approval as a Nurse Practitioner in accordance with Rule .0102(b)(4) of this Subchapter.
- (6) "Supervision" means the physician's function of overseeing medical acts performed by the nurse practitioner.
- (7) "Collaborative practice agreement" means the arrangement for nurse practitioner-physician continuous availability to each other for on-going supervision, consultation, collaboration, referral and evaluation of care provided by the nurse practitioner.
- (8) "Primary Supervising Physician" means the licensed physician who, by signing the nurse practitioner application, is held accountable for the on-going supervision, consultation, collaboration and evaluation of the medical acts performed by the nurse practitioner as defined in the site specific written protocols.
  - (a) The primary supervising physician shall assume the responsibility of assuring the Boards that the nurse practitioner is qualified to perform those medical acts described in the site specific written protocols.
  - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician.
  - (c) A physician in a graduate medical education program who is also practicing in a non-training situation may supervise a nurse practitioner in the non-training situation if fully licensed.
- (9) "Back-up Supervising Physician" means the licensed physician who, by signing an agreement with the nurse practitioner and the primary supervising physician(s), shall be held accountable for supervision, consultation, collaboration and evaluation of medical acts by the nurse practitioner in accordance with the site specific written protocols when the Primary Supervising Physician is not available.
  - (a) The signed and dated agreements for each back-up supervising physician(s) shall be maintained at each practice site.
  - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up supervising physician.
  - (c) A physician in a graduate medical education

program who is also practicing in a non-training situation may be a back-up supervising physician to a nurse practitioner in the non-training situation if fully licensed and has signed an agreement with the nurse practitioner and the primary supervising physician.

- (10) "Approval" means authorization by the Medical Board and the Board of Nursing for a registered nurse to practice as a nurse practitioner in accordance with this Subchapter.
- (11) "Written protocols" means the signed and dated set of written practice guidelines maintained at each practice site which describe the prescribing privileges, treatments, tests and procedures that define the scope of the nurse practitioner's medical acts in that setting. Clinical practice issues that are not covered by the written protocols require nurse practitioner/physician consultation, and documentation related to the treatment plan.
- (12) "Volunteer practice" means practice without expectation of compensation or payment (monetary, in kind or otherwise) to the nurse practitioner either directly or indirectly.
- (13) "Disaster" means a state of disaster as defined in G.S. 166A-4(3) and proclaimed by the Governor, or by the General Assembly pursuant to G.S. 166A-6.
- (14) "Interim Status" means the privilege granted by the Boards to a graduate of an approved nurse practitioner educational program or a registered nurse seeking initial approval in North Carolina with limited privileges, as defined in Rule .0103(b)(4) of this Subchapter, while awaiting final approval to practice as a nurse practitioner.
- (15) "Temporary Approval" means authorization by the Medical Board and the Board of Nursing for a registered nurse to practice as a nurse practitioner in accordance with this Rule for a period not to exceed 18 months while awaiting notification of successful completion of the national certification examination.
- (16) "National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice: American Nurses Credentialing Center (ANCC); American Academy of Nurse Practitioners (AANP); National Certification Corporation of the Obstetric, Gynecologic and Neonatal Nursing Specialties (NCC); and the National Certification Board of Pediatric Nurse Practitioners and Nurses (PNP/N).

*History Note: Authority G. S. 90-6; 90-18(14); 90-18.2; Eff. January 1, 1991; Amended Eff. May 1, 1999; January 1, 1996.*

#### **.0102 SCOPE OF PRACTICE**

The nurse practitioner shall be responsible and accountable for the continuous and comprehensive management of a broad



range of personal health services for which the nurse practitioner is educationally prepared and for which competency has been maintained, with physician supervision and collaboration as described in 21 NCAC 32M .0109. These services include but are not restricted to:

- (1) promotion and maintenance of health;
- (2) prevention of illness and disability;
- (3) diagnosing, treating and managing acute and chronic illnesses;
- (4) guidance and counseling for both individuals and families;
- (5) prescribing, administering and dispensing therapeutic measures, tests, procedures and drugs;
- (6) planning for situations beyond the nurse practitioner's expertise, and consulting with and referring to other health care providers as appropriate; and
- (7) evaluating health outcomes.

*History Note: Authority G.S. 90-18(14);*

*Eff. January 1, 1991;*

*Amended Eff. May 1, 1999; January 1, 1996.*

#### **.0103 NURSE PRACTITIONER APPROVAL**

(a) Qualifications for nurse practitioner approval. A registered nurse shall be approved by the Medical Board and the Board of Nursing before the applicant may practice as a nurse practitioner. The Boards may grant approval to practice as a nurse practitioner to an applicant who:

- (1) is currently licensed as a registered nurse by the Board of Nursing;
- (2) has successfully completed an approved educational program as outlined in Rule .0103 of this Subchapter; or, as of January 1, 2000, meets the certification requirements set forth in Rule .0103(c) of this Subchapter;
- (3) has an unrestricted license to practice as a registered nurse and, if applicable, an unrestricted approval to practice as a nurse practitioner unless the Boards consider such condition and agree to approval;
- (4) submits any information deemed necessary to evaluate the application;
- (5) has a collaborative practice agreement with a primary supervising physician; and
- (6) pays the appropriate fee.

(b) Application for nurse practitioner approval.

- (1) Application for nurse practitioner approval shall be made upon the appropriate forms and shall be submitted jointly by the nurse practitioner and primary supervising physician(s).
- (2) Applications for first-time approval in North Carolina shall be submitted to the Board of Nursing and then approved by both Boards as follows:
  - (A) the Board of Nursing will verify compliance with Subparagraphs (a)(1) - (4) of this Rule;
  - (B) the Medical Board will verify compliance with Subparagraphs (a)(4) - (6) of this Rule; and

(C) the appropriate Board will notify applicant of final approval status.

(3) Applications for approval of changes in practice arrangements for a nurse practitioner currently approved to practice in North Carolina:

- (A) addition or change of primary supervising physician shall be submitted to the Medical Board;
- (B) request for change(s) in the scope of practice shall be submitted to the Joint Subcommittee; and
- (C) the appropriate Board will notify applicant of final approval status.

(4) Interim status for nurse practitioner applicant may be granted to a registered nurse who is a graduate of an approved nurse practitioner educational program as set forth in Rule .0103 of this Subchapter; or a registered nurse seeking first time approval to practice as a nurse practitioner in North Carolina who has worked previously as a nurse practitioner in another state and who meets the nurse practitioner educational requirements as set forth in Rule .0103 of this Subchapter; and with the following limitations:

- (A) no prescribing privileges;
- (B) primary or back-up physicians shall be continuously available for appropriate ongoing supervision, consultation, collaboration and countersigning of notations of medical acts in all patient charts within two working days of nurse practitioner applicant-patient contact;
- (C) face-to-face consultation with the primary supervising physician shall be weekly with documentation of consultation consistent with Rule .0108(d)(4) of this Subchapter; and
- (D) may not exceed a period of six months.

(5) Beginning January 1, 2000, first time applicants who meet the qualifications for approval, but are awaiting certification from a national credentialing body approved by the Board of Nursing, may be granted a temporary approval to practice as a nurse practitioner. Temporary approval is valid for a period not to exceed 18 months from the date temporary approval is granted or until the results of the applicant's certification examination are available, whichever comes first.

(6) The registered nurse who was previously approved to practice as a nurse practitioner in this state shall:

- (A) meet the nurse practitioner approval requirements as stipulated in Subparagraphs (a)(1), (a)(3) - (a)(6) of this Rule;
- (B) complete the appropriate application;
- (C) receive notification of approval; and
- (D) meet the consultation requirements as outlined in Rule .0108(d)(3) and (4) of this Section.

(7) If for any reason a nurse practitioner discontinues

working within the approved nurse practitioner-supervising physician(s) arrangement, the Boards shall be notified in writing and the nurse practitioner's approval shall automatically terminate or be placed on an inactive status until such time as a new application is approved in accordance with this Subchapter. Special consideration may be given in an emergency situation.

- (8) Volunteer Approval for Nurse Practitioners. The Boards may grant approval to practice in a volunteer capacity to a nurse practitioner who has met the qualifications as outlined in Rule .0102(a)(1) - (6) of this Section.

*History Note: Authority G.S. 90-18(13), (14); 90-18.2; 90-171.20(7); 90-171.23(b); 90-171.42;*

*Eff. January 1, 1991;*

*Paragraph (b)(1) was recodified from 21 NCAC 32M .0004*

*Eff. January 1, 1996;*

*Amended Eff. May 1, 1999; January 1, 1996.*

#### **.0104 REQUIREMENTS FOR APPROVAL OF NURSE PRACTITIONER EDUCATIONAL PROGRAMS**

(a) A nurse practitioner applicant who completed a nurse practitioner educational program prior to December 31, 1999 shall provide evidence of successful completion of a course of formal education which contains a core curriculum including 400 contact hours of didactic education and 400 contact hours of preceptorship or supervised clinical experience.

- (1) The core curriculum shall contain as a minimum the following components:

- (A) health assessment and diagnostic reasoning including:
  - (i) historical data;
  - (ii) physical examination data;
  - (iii) organization of data base;
- (B) pharmacology;
- (C) pathophysiology;
- (D) clinical management of common health care problems and diseases related to:
  - (i) respiratory system;
  - (ii) cardiovascular system;
  - (iii) gastrointestinal system;
  - (iv) genitourinary system;
  - (v) integumentary system;
  - (vi) hematologic and immune systems;
  - (vii) endocrine system;
  - (viii) musculoskeletal system;
  - (ix) infectious diseases;
  - (x) nervous system;
  - (xi) behavioral, mental health and substance abuse problems;
- (E) clinical preventative services including health promotion and prevention of disease;
- (F) client education related to Parts (a)(1)(D) and (E) of this Rule; and
- (G) role development including legal, ethical,

economical, health policy and interdisciplinary collaboration issues.

- (2) Nurse practitioner applicants who may be exempt from components of the core curriculum requirements listed in Subparagraph (a)(1) of this Rule are:

- (A) Any nurse practitioner approved in North Carolina prior to January 18, 1981, is permanently exempt from the core curriculum requirement.
- (B) A nurse practitioner certified by a national credentialing body who also provides evidence of satisfying Parts (a)(1)(A) - (C) of this Rule shall be exempt from core curriculum requirements in Parts (a)(1)(D) - (G) of this Rule. Evidence of satisfying Parts (a)(1)(A) - (C) of this Rule shall include, but may not be limited to:
  - (i) a narrative of course content; and
  - (ii) contact hours.
- (C) A nurse practitioner seeking initial approval after January 1, 1998 shall be exempt from the core curriculum requirements if certified as a nurse practitioner in his/her specialty by a national credentialing body and when initial certification was obtained after January 1, 1998.
- (D) A nurse practitioner applicant, whose formal education does not meet all of the stipulations in Subparagraph (b) of this Rule, may appeal to the Joint Subcommittee on the basis of other education and experience.

(b) Instead of educational program approval, all nurse practitioner applicants who are applying for or have received, first time approval to practice as a nurse practitioner on or after January 1, 2000 shall be certified by a national credentialing body or be awaiting initial certification by a national credentialing body for a period not to exceed 18 months from date temporary approval is granted.

*History Note: Authority G.S. 90-18(14); 90-171.42;*

*Eff. January 1, 1991;*

*Recodified from 21 NCAC 32M .0005 Eff. January 1, 1996;*

*Amended Eff. May 1, 1999; January 1, 1996.*

#### **.0105 ANNUAL RENEWAL**

(a) Each registered nurse who is approved as a nurse practitioner in this state shall annually renew each approval with the Medical Board no later than 30 days after the nurse practitioner's birthday by:

- (1) Verifying current RN licensure;
- (2) Submitting the fee required in Rule .0111 of this Subchapter; and
- (3) Completing the renewal form.

(b) For the nurse practitioner who had first time approval to practice after January 1, 2000, provide evidence of certification or recertification by a national credentialing body.

(c) If the nurse practitioner has not renewed within 60 days



of the nurse practitioner's birthday, the approval to practice as a nurse practitioner shall lapse.

*History Note: Authority G.S. 90-6; 90-18(14); 90-171.23(b);  
Eff. January 1, 1996;  
Amended Eff. May 1, 1999.*

**.0108 PRESCRIBING AUTHORITY**

(a) The prescribing stipulations contained in this Rule apply to writing prescriptions and ordering the administration of medications.

(b) Prescribing and dispensing stipulations are as follows:

- (1) Drugs and devices that may be prescribed by the nurse practitioner in each practice site shall be included in the written protocols as outlined in Rule .0108(b) of this Section.
- (2) Controlled Substances (Schedules II, IIN, III, IIIN, IV, V) defined by the State and Federal Controlled Substances Acts may be procured, prescribed or ordered as established in written protocols, providing all of the following requirements are met:
  - (A) the nurse practitioner has an assigned DEA number which is entered on each prescription for a controlled substance;
  - (B) dosage units for schedules II, IIN, III and IIIN are limited to a 30 day supply; and
  - (C) the prescription or order for schedules II, IIN, III and IIIN may not be refilled.
- (3) The nurse practitioner may prescribe a drug not included in the site-specific written protocols only as follows:
  - (A) upon a specific written or verbal order obtained from a primary or back-up supervising physician before the prescription or order is issued by the nurse practitioner; and
  - (B) the written or verbal order as described in Part (b)(3)(A) of this Rule shall be entered into the patient record with a notation that it is issued on the specific order of a primary or back-up supervising physician and signed by the nurse practitioner and the physician.
- (4) Refills may be issued for a period not to exceed one year except for schedules II, IIN, III and IIIN controlled substances which may not be refilled.
- (5) Each prescription shall be noted on the patient's chart and include the following information:
  - (A) medication and dosage;
  - (B) amount prescribed;
  - (C) directions for use;
  - (D) number of refills; and
  - (E) signature of nurse practitioner.
- (6) The prescribing number assigned by the Medical Board to the nurse practitioner must appear on all prescriptions issued by the nurse practitioner.
- (7) Prescription Format:
  - (A) All prescriptions issued by the nurse

practitioner shall contain the supervising physician(s) name, the name of the patient, and the nurse practitioner's name, telephone number, and prescribing number.

(B) The nurse practitioner's assigned DEA number shall be written on the prescription form when a controlled substance is prescribed as defined in Subparagraph (b)(2) of this Rule.

(c) The nurse practitioner may obtain approval to dispense the drugs and devices included in the written protocols for each practice site from the Board of Pharmacy, and dispense in accordance with 21 NCAC 46 .1700, which is hereby incorporated by reference including subsequent amendments of the referenced materials.

*History Note: Authority G.S. 90-6; 90-18(14); 90-18.2; 90-171.23(14); 90-171.42; 58 Fed. Reg. 31,171 (1993) (to be codified at 21 C.F.R. 1301);  
Eff. February 1, 1991;  
Recodified from 21 NCAC 32M .0006 Eff. January 1, 1996;  
Amended Eff. May 1, 1999; January 1, 1996; September 1, 1994; March 1, 1994.*

**SUBCHAPTER 32R - CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS**

**SECTION .0100 - CONTINUING MEDICAL EDUCATION REQUIREMENTS**

**.0102 APPROVED CATEGORIES OF CME**

The following are the approved categories of CME.

- (1) Physician-Initiated CME:
  - (a) Practice based self-study;
  - (b) Colleague consultations;
  - (c) Office based outcomes research;
  - (d) Study initiated by patient inquiries;
  - (e) Study of community health problems;
  - (f) Successful specialty board examination for certification or recertification;
  - (g) Teaching (professional, patient/public health);
  - (h) Mentoring;
  - (i) Morbidity and Mortality (M&M) conference;
  - (j) Journal clubs;
  - (k) Creation of generic patient care pathways and guidelines;
  - (l) Competency Assessment.
- (2) Educational Provider-Initiated CME: All education offered by institutions or organizations accredited by the Accreditation Council for Continuing Medical Education (ACCME) and reciprocating organizations or American Osteopathic Association (AOA).
  - (a) Formal Courses;
  - (b) Scientific/clinical presentations, or publications;
  - (c) Enduring material (Audio-Video);
  - (d) Skill development.



*History Note: Authority G.S. 90-14(a)(15);  
Eff. January 1, 2000.*

**.0103 EXCEPTIONS**

(a) A licensee currently enrolled in an AOA or Accreditation Council on Graduate Medical Education. (ACGME) accredited graduate medical education program is exempt from the requirements of Rule .0101 of this Section.

(b) A licensee shall have one year of exemption from the requirements of Rule .0101 of this Section after having received initial licensure.

*History Note: Authority G.S. 90-14(a)(15);  
Eff. January 1, 2000.*

**.0104 REPORTING**

At the time of annual registration each Licensee shall report on the Board's annual registration form the number of hours of practice-relevant CME obtained in compliance with Rule .0101 of this Section. CME hours must be documented by categories for three consecutive years and may be inspected by the Board or its agents.

*History Note: Authority G.S. 90-14(a)(15);  
Eff. January 1, 2000.*

**SUBCHAPTER 32S - PHYSICIAN ASSISTANT  
REGULATIONS**

**SECTION .0100 - PHYSICIAN ASSISTANT  
REGULATIONS**

**.0101 DEFINITIONS**

The following definitions apply to this Subchapter:

- (1) "Board" means the North Carolina Medical Board.
- (2) "Physician Assistant" means a person licensed by and registered with the Board to perform medical acts, tasks, or functions under the supervision of a physician licensed by the Board, who performs tasks traditionally performed by the physician, and who has graduated from a physician assistant or surgeon assistant program accredited by the Commission on Accreditation of Allied Health Education Programs, or its predecessor or successor agencies.
- (3) "Physician Assistant License" means the document issued by the Board showing approval for the physician assistant to perform medical acts, tasks, or functions under North Carolina law.
- (4) "Registering" means paying the annual fee and providing the information requested by the Board as outlined in Rule .0105 of this Section.
- (5) "Supervising Physician" means a physician who is licensed by the Board and who is not prohibited by the Board from supervising physician assistants. The physician may serve as a primary supervising physician or as a back-up supervising physician.
  - (a) The "Primary Supervising Physician" is the physician who, by signing the application to

the Board, accepts full responsibility for the physician assistant's medical activities and professional conduct at all times, whether the physician personally is providing supervision or the supervision is being provided by a Back-up Supervising Physician. The Primary Supervising Physician shall assume responsibility for assuring the Board that the physician assistant is qualified by education and training to perform all medical acts required of the physician assistant and shall assume responsibility for the physician assistant's performance in the particular field or fields in which the physician assistant is expected to perform medical acts.

(b) The "Back-up Supervising Physician" means the physician who, by signing the statement required in Rule .0110 of this Section, accepts the responsibility for supervision of the physician assistant's activities in the absence of the Primary Supervising Physician. The Back-up Supervising Physician is responsible for the activities of the physician assistant only when providing supervision.

- (6) "Supervising" means overseeing the activities of, and accepting the responsibility for, the medical services rendered by a physician assistant.
- (7) "Volunteer practice" means performance of medical acts, tasks, or functions without expectation of any form of payment or compensation.
- (8) "Examination" means the Physician Assistant National Certifying Examination or another examination as approved by the Board.

*History Note: Authority G.S. 90-18(13); 90-18(c)(13); 90-18.1;*

*Eff. May 1, 1999.*

**.0102 QUALIFICATIONS FOR LICENSE**

Except as otherwise provided in this Subchapter, an individual shall obtain a license from the Board before the individual may practice as a physician assistant. The Board may grant a license as a physician assistant to an applicant who has met all the following criteria:

- (1) submits a completed application on forms provided by the Board;
- (2) pays the fee established by Rule .0121(1) in this Section;
- (3) has successfully completed an educational program for physician assistants or surgeon assistants accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor agencies and; if licensed in North Carolina after June 1, 1994, has successfully completed a licensing examination approved by the Board;
- (4) certifies that he or she is mentally and physically able to engage safely in practice as a physician

assistant:

- (5) has no license, certificate, or registration as a physician assistant currently under discipline, revocation, suspension or probation for cause resulting from the applicant's practice as a physician assistant;
- (6) has good moral character;
- (7) submits to the Board any other information the Board deems necessary to evaluate the applicant's qualifications; and
- (8) if two years or more have passed since graduation from an approved program, the applicant must submit documentation of the completion of at least 100 hours of continuing medication education (CME) during the preceding two years.

*History Note: Authority G.S. 90-11; 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

#### **.0103 TEMPORARY LICENSE**

(a) During the years prior to 2002, the Board may grant a temporary license, valid for a period not to exceed one year, to an applicant who meets the qualifications for a license except that the applicant has not yet passed a licensing examination approved by the Board. The Board shall not grant a temporary license to an applicant who has twice failed a licensing examination approved by the Board.

(b) A temporary license becomes void at the time the Board grants the physician assistant a full license or at the expiration date shown on the temporary license.

(c) A temporary license shall expire 30 days after the physician assistant receives notice of non-passing scores on the second attempt of taking a licensing examination approved by the Board or at the expiration date of the temporary license, whichever is sooner. The licensee must notify the Board within 15 days upon the receipt of scores.

*History Note: Authority G.S. 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

#### **.0105 ANNUAL REGISTRATION**

Each person who holds a license as a physician assistant in this state shall register his or her Physician Assistant license each year no later than 30 days after his or her birthday by:

- (1) completing the Board's registration form;
- (2) submitting the fee required in Rule .0117 of this Section.

*History Note: Authority G.S. 90-15; 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

#### **.0106 CONTINUING MEDICAL EDUCATION**

(a) In order to maintain physician assistant licensure, documentation must be maintained by the physician assistant of 100 hours of continuing medical education (CME) completed for every two year period, at least 40 hours of which must be American Academy of Physician Assistants Category I CME or the equivalent. CME documentation must

be available for inspection by the Board or an agent of the Board upon request.

(b) Any physician assistant who prescribes controlled substances shall complete at least three hours of CME every two years on the medical and social effects of the misuse and abuse of alcohol, nicotine, prescription drugs (including controlled substances), and illicit drugs.

*History Note: Authority G.S. 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

#### **.0109 QUALITY ASSURANCE STANDARDS FOR A COLLABORATIVE PRACTICE AGREEMENT**

(a) Availability: The primary or back-up supervising physician(s) and the nurse practitioner shall be continuously available to each other for consultation by direct communication or telecommunication.

(b) Written Protocols:

- (1) Written protocols shall be agreed upon and signed by both the primary supervising physician and the nurse practitioner, and maintained in each practice site.
- (2) Written protocols shall be reviewed at least yearly, and this review shall be acknowledged by a dated signature sheet, signed by both the primary supervising physician and the nurse practitioner, appended to the written protocol and available for inspection by members or agents of either board.
- (3) The written protocols shall include the drugs, devices, medical treatment, tests and procedures that may be prescribed, ordered and implemented by the nurse practitioner consistent with Rule .0107 of this Section, and which are appropriate for the diagnosis and treatment of the most commonly encountered health problems in that practice setting.
- (4) The written protocols shall include a pre-determined plan for emergency services.
- (5) The nurse practitioner shall be prepared to demonstrate the ability to perform medical acts as outlined in the written protocols upon request by members or agents of either Board.

(c) Quality Improvement Process:

- (1) The primary supervising physician and the nurse practitioner shall develop a process for the on-going review of the care provided in each practice site to include a written plan for evaluating the quality of care provided for one or more frequently encountered clinical problems.
- (2) This plan shall include a description of the clinical problem(s), an evaluation of the current treatment interventions, and if needed, a plan for improving outcomes within an identified time-frame.
- (3) The quality improvement process shall include scheduled meetings between the primary supervising physician and the nurse practitioner at least every six months. Documentation for each meeting shall:
  - (A) identify clinical problems discussed,



including progress toward improving outcomes as stated in Subparagraph (c)(2) of this Rule, and recommendations, if any, for changes in treatment plan(s);

- (B) be signed and dated by those who attended; and
- (C) be available for review by members or agents of either Board for the previous five calendar years and be retained by both the nurse practitioner and physician.

(d) **Nurse Practitioner-Physician Consultation.** The following requirements establish the minimum standards for consultation between the nurse practitioner/primary or back-up supervising physician(s):

- (1) The nurse practitioner with temporary approval shall have:

- (A) review and countersigning of notations of medical acts by a primary or back-up supervising physician within seven days of nurse practitioner-patient contact for the first six months of collaboration. This time-frame includes the period of interim status.
- (B) face-to-face consultation with the primary supervising physician on a weekly basis for one month after temporary approval is achieved and at least monthly throughout the period of temporary approval.

- (2) The nurse practitioner with first time approval to practice shall have:

- (A) review and countersigning of notations of medical acts by a primary or back-up supervising physician within seven days of nurse practitioner-patient contact for the first six months of collaborative agreement. This time-frame includes the period of interim status.
- (B) face-to-face consultation with the primary supervising physician on a weekly basis for one month after full approval is received and at least monthly for a period no less than the succeeding five months.

- (3) The nurse practitioner previously approved to practice in North Carolina who changes primary supervising physician shall have face-to-face consultation with the primary supervising physician weekly for one month and then monthly for the succeeding five months.

- (4) Documentation of consultation shall:

- (A) identify clinical issues discussed and actions taken;
- (B) be signed and dated by those who attended; and
- (C) be available for review by members or agents of either Board for the previous five calendar years and be retained by both the nurse practitioner and physician.

*History Note: Authority G.S. 90-6; 90-18(14); 90-18.2; 90-*

*171.23(14);*

*Eff. January 1, 1991;*

*Amended Eff. May 1, 1999; January 1, 1996; March 1, 1994.*

#### **.0110 SUPERVISION OF PHYSICIAN ASSISTANTS**

(a) A physician assistant may perform medical acts, tasks, or functions only under the supervision of a physician. Supervision shall be continuous but, except as otherwise provided in these Rules, shall not be construed as requiring the physical presence of the supervising physician at the time and place that the services are rendered.

(b) It is the obligation of each team of physician(s) and physician assistant(s) to ensure that the physician assistant's scope of practice is identified; that delegation of medical tasks is appropriate to the skills of the supervising physician(s) as well as the physician assistant's level of competence; that the relationship of, and access to, each supervising physician is defined; and that a process for evaluation of the physician assistant's performance is established. A statement describing these supervisory arrangements in all settings must be signed by each supervising physician and the physician assistant and shall be kept on file at all practice sites. This statement describing supervisory arrangements and instructions for prescriptive authority shall be available upon request by the Board or its representatives.

(c) The time interval between the physician assistant's contact with the patient and the chart review and countersigning by the supervising physician may be a maximum of seven days for outpatient (clinic/office) charts. Entries by a physician assistant into patient charts of inpatients (hospital, long term care institutions) must comply with the rules and regulations of the institution; but, at a minimum, the initial work up and treatment plan and the discharge summary must be countersigned by the supervising physician within seven days of the time of generation of these notes. In the acute inpatient setting, the initial work-up, orders, and treatment plan must be signed and dated within two working days.

*History Note: Authority G.S. 90-18(13); 90-18.1;*

*Eff. May 1, 1999.*

#### **.0111 SUPERVISING PHYSICIANS**

(a) A physician wishing to serve as a primary supervising physician must:

- (1) notify the Board of the physician's intent to serve as a primary supervising physician for a physician assistant; and
- (2) submit a statement to the Board that the physician is willing and qualified to exercise supervision of the physician assistant in accordance with rules adopted by the Board and that the physician will retain professional responsibility for the care rendered by the physician assistant within the scope of the supervisory arrangements established pursuant to Rule .0110 of this Section.

(b) A physician wishing to serve as a back-up supervising physician must be licensed to practice medicine by the Board



and not prohibited by the Board from supervising a physician assistant and be approved by the primary supervising physician as a person willing and qualified to assume responsibility for the care rendered by the physician assistant in the absence of the primary supervising physician. An ongoing list of all approved back-up supervising physicians, signed and dated by each back-up supervising physician, the primary supervising physician, and the physician assistant, must be retained as part of the inspectable supervisory arrangements statement described in Rule .0110 of this Section.

(c) It is the responsibility of the supervising physicians to ensure that the physician assistant has adequate back-up for any procedure performed by the physician assistant in any practice location (office, home, hospital, etc.).

*History Note: Authority G.S. 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

### **.0113 VIOLATIONS**

The Board pursuant to G.S. 90-14 may deny, annul, suspend, or revoke the license, or other authority to function as a physician assistant in this State. The following acts constitute violations of G.S. 90-14:

- (1) Failure to function in accordance with the rules of this Subchapter or with any provision of G.S. 90-14 shall constitute unprofessional or dishonorable conduct;
- (2) Representing oneself as a physician constitutes dishonorable or unethical conduct.

*History Note: Authority G.S. 90-14; 90-14.2;  
Eff. May 1, 1999.*

### **.0117 FEES**

The Board requires the following fees:

- (1) Physician Assistant License Fee - one hundred and fifty dollars (\$150.00), except that an applicant for a physician assistant limited volunteer license need not submit an application fee.
- (2) Annual Registration Fee - seventy-five dollars (\$75.00), except that any physician assistant who holds a limited volunteer license or who submits a statement to the Board confirming that the physician assistant is currently exclusively engaged in volunteer practice and has engaged exclusively in volunteer practice during the preceding year shall submit a reduced registration fee of twenty-five dollars (\$25.00).

*History Note: Authority G.S. 90-12.1; 90-15; 90-18(13); 90-18.1;  
Eff. May 1, 1999.*

## **CHAPTER 36 - BOARD OF NURSING**

### **SECTION .0200 - LICENSURE**

#### **.0227 APPROVAL AND PRACTICE PARAMETERS**

### **FOR NURSE PRACTITIONERS**

(a) Definitions:

- (1) "Medical Board" means the North Carolina Medical Board.
- (2) "Board of Nursing" means the Board of Nursing of the State of North Carolina.
- (3) "Joint Subcommittee" means the subcommittee composed of members of the Board of Nursing and Members of the Medical Board to whom responsibility is given by G.S. 90-6 and G. S. 90-171.23(b)(14) to develop rules to govern the performance of medical acts by nurse practitioners in North Carolina.
- (4) "Nurse Practitioner or NP" means a currently licensed registered nurse approved to perform medical acts under an agreement with a licensed physician for ongoing supervision, consultation, collaboration and evaluation of the medical acts performed. Only a registered nurse approved by the Medical Board and the Board of Nursing may legally identify oneself as a Nurse Practitioner. It is understood that the nurse practitioner, by virtue of RN licensure, is independently accountable for those nursing acts which he or she may perform.
- (5) "Nurse Practitioner Applicant" means a registered nurse who may function prior to full approval as a Nurse Practitioner in accordance with Part (c)(2)(D) of this Rule.
- (6) "Supervision" means the physician's function of overseeing medical acts performed by the nurse practitioner.
- (7) "Collaborative practice agreement" means the arrangement for nurse practitioner-physician continuous availability to each other for on-going supervision, consultation, collaboration, referral and evaluation of care provided by the nurse practitioner.
- (8) "Primary supervising Physician" means the licensed physician who, by signing the nurse practitioner application, is held accountable for the on-going supervision, consultation, collaboration and evaluation of the medical acts performed by the nurse practitioner as defined in the site specific written protocols.
- (A) The primary supervising physician shall assume the responsibility of assuring the Boards that the nurse practitioner is qualified to perform those medical acts described in the site specific written protocols.
- (B) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician.
- (C) A physician in a graduate medical education program who is also practicing in a non-training situation may supervise a nurse practitioner in the non-training situation if fully licensed

- (9) "Back-up Supervising Physician" means the licensed physician who, by signing an agreement with the nurse practitioner and the primary supervising physician(s) shall be held accountable for the supervision, consultation, collaboration and evaluation of medical acts by the nurse practitioner in accordance with the site specific written protocols when the Primary Supervising Physician is not available.
  - (A) The signed and dated agreements for each back-up supervising physician(s) shall be maintained at each practice site.
  - (B) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up supervising physician.
  - (C) A physician in a graduate medical education program who is also practicing in a nontraining situation may be a back-up supervising physician to a nurse practitioner in the non-training situation if fully licensed and has signed an agreement with the nurse practitioner and the primary supervising physician.
- (10) "Approval" means authorization by the Medical Board and the Board of Nursing for a registered nurse to practice as a nurse practitioner in accordance with this Subchapter.
- (11) "Written protocols" means the signed and dated set of written practice guidelines maintained at each practice site which describe the prescribing privileges, treatments, tests and procedures that define the scope of the nurse practitioner's medical acts in that setting. Clinical practice issues that are not covered by the written protocols require nurse practitioner/physician consultation, and documentation related to the treatment plan.
- (12) "Volunteer practice" means practice without expectation of compensation or payment (monetary, in kind or otherwise) to the nurse practitioner either directly or indirectly.
- (13) "Disaster" means a state of disaster as defined in G.S. 166A-4(3) and proclaimed by the Governor, or by the General Assembly pursuant to G.S. 166A-6.
- (14) "Interim Status" means the privilege granted by the Boards to a graduate of an approved nurse practitioner education program or a registered nurse seeking initial approval in North Carolina with limited privileges, as defined in Part (c)(2)(D) of this Rule while awaiting final approval to practice as a nurse practitioner.
- (15) "Temporary Approval" means authorization by the Medical Board and the Board of Nursing for a registered nurse to practice as a nurse practitioner in accordance with this Rule for a period not to exceed 18 months while awaiting notification of successful completion of the national certification examination.
- (16) "National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice: American Nurses Credentialing Center (ANCC); American Academy of Nurse Practitioners (AANP); National Certification Corporation of the Obstetric, Gynecologic and Neonatal Nursing Specialties (NCC); and the National Certification Board of Pediatric Nurse Practitioners and Nurses (PNP/N).
- (b) Scope of Practice. The nurse practitioner shall be responsible and accountable for the continuous and comprehensive management of a broad range of personal health services for which the nurse practitioner shall be educationally prepared and for which competency has been maintained, with physician supervision and collaboration as described in Paragraph (i) of this Rule. These services include but are not restricted to:
  - (1) promotion and maintenance of health;
  - (2) prevention of illness and disability;
  - (3) diagnosing, treating and managing acute and chronic illnesses;
  - (4) guidance and counseling for both individuals and families;
  - (5) prescribing, administering and dispensing therapeutic measures, tests, procedures and drugs;
  - (6) planning for situations beyond the nurse practitioner's expertise, and consulting with and referring to other health care providers as appropriate; and
  - (7) evaluating health outcomes.
- (c) Nurse Practitioner Approval.
  - (1) Qualifications for nurse practitioner approval. A registered nurse shall be approved by the Medical Board and the Board of Nursing before the applicant may practice as a nurse practitioner. The Boards may grant approval to practice as a nurse practitioner to an applicant who:
    - (A) is currently licensed as a registered nurse by the Board of Nursing;
    - (B) has successfully completed an approved educational program as outlined in Paragraph (d) of this Rule; or, as of January 1, 2000, meets the certification requirements set forth Subparagraph (d)(3) of this Rule;
    - (C) has an unrestricted license to practice as a registered nurse and, if applicable, an unrestricted approval to practice as a nurse practitioner unless the Boards consider such condition and agree to approval;
    - (D) submits any information deemed necessary to evaluate the application;
    - (E) has a collaborative practice agreement with a primary supervising physicians; and
    - (F) pays the appropriate fee.
  - (2) Application for nurse practitioner approval.
    - (A) Application for nurse practitioner approval shall be made upon the appropriate forms and shall be submitted jointly by the nurse



- practitioner and primary supervising physician(s).
- (B) Applications for first-time approval in North Carolina shall be submitted to the Board of Nursing and then approved by both Boards as follows:
- (i) the Board of Nursing will verify compliance with Parts (c)(1)(A) - (D) of this Rule;
  - (ii) the Medical Board will verify compliance with Parts (c)(1)(D) - (F) of this Rule; and
  - (iii) the appropriate Board will notify applicant of final approval status.
- (C) Applications for approval of changes in practice arrangements for a nurse practitioner currently approved to practice in North Carolina:
- (i) addition or change of primary supervising physician shall be submitted to the Medical Board;
  - (ii) request for change(s) in the scope of practice shall be submitted to the Joint Subcommittee; and
  - (iii) the appropriate Board will notify applicant of final approval status.
- (D) Interim status for nurse practitioner applicant may be granted to: a registered nurse who is a new graduate of an approved nurse practitioner educational program as set forth in Paragraph (d) of this Rule; or a registered nurse seeking first time approval to practice as a nurse practitioner in North Carolina who has worked previously as a nurse practitioner in another state and who meets the nurse practitioner educational requirement as set forth in Paragraph (d) of this Rule with the following limitations:
- (i) no prescribing privileges;
  - (ii) primary or back-up physicians shall be continuously available for appropriate ongoing supervision, consultation, collaboration and countersigning of notations of medical acts in all patient charts within two working days of nurse practitioner applicant-patient contact;
  - (iii) face-to-face consultation with the primary supervising physician shall be weekly with documentation of consultation consistent with Part (i)(4)(D) of this Rule; and
  - (iv) may not exceed period of six months.
- (E) Beginning January 1, 2000, first time applicants who meet the qualifications for approval, but are awaiting certification from a national credentialing body approved by the Board of Nursing, may be granted a temporary approval to practice as a nurse practitioner. Temporary approval is valid for a period not to exceed 18 months from the date temporary approval is granted or until the results of the applicant's certification examination are available, whichever comes first.
- (F) The registered nurse who was previously approved to practice as a nurse practitioner in this state shall:
- (i) meet the nurse practitioner approval requirements as stipulated in Parts (c)(1)(A), (C) - (F) of this Paragraph;
  - (ii) complete the appropriate application;
  - (iii) receive notification of approval; and
  - (iv) meet the consultation requirements as outlined in Parts (i)(4)(C) - (D) of this Rule.
- (G) If for any reason a nurse practitioner discontinues working within the approved nurse practitioner-supervising physician(s) arrangement, the Boards shall be notified in writing and the nurse practitioner's approval shall automatically terminate or be placed on an inactive status until such time as a new application is approved in accordance with this Subchapter. Special consideration may be given in an emergency situation.
- (H) Volunteer Approval for Nurse Practitioners. The Boards may grant approval to practice in a volunteer capacity to a nurse practitioner who has met the qualifications as outlined in Parts (c)(1)(A) - (F) and (2)(A) - (G) of this Rule
- (d) Requirements for Approval of Nurse Practitioner Educational Programs:
- (1) A Nurse Practitioner applicant who completed a nurse practitioner educational program prior to December 31, 1999 shall provide evidence of successful completion of a course of formal education which contains a core curriculum including 400 contact hours of didactic education and 400 contact hours of preceptorship or supervised clinical experience.
- (A) The core curriculum shall contain as a minimum the following components:
- (i) health assessment and diagnostic reasoning including:
    - (I) historical data;
    - (II) physical examination data;
    - (III) organization of data base;
  - (ii) pharmacology;
  - (iii) pathophysiology;
  - (iv) clinical management of common health care problems and diseases related to:
    - (I) respiratory system;
    - (II) cardiovascular system;
    - (III) gastrointestinal system;



- (IV) genitourinary system;
- (V) integumentary system;
- (VI) hematologic and immune systems;
- (VII) endocrine system;
- (VIII) musculoskeletal system;
- (IX) infectious diseases;
- (X) nervous system;
- (XI) behavioral, mental health and substance abuse problems;
- (v) clinical preventative services including health promotion and prevention of disease;
- (vi) client education related to Parts (d)(2)(A)(iv) and (v) of this Rule; and
- (vii) role development including legal, ethical, economical, health policy and interdisciplinary collaboration issues.
- (B) Nurse practitioner applicants who may be exempt from components of the core curriculum requirements listed in Part (d)(2)(A) of this Rule are:
  - (i) Any nurse practitioner approved in North Carolina prior to January 18, 1981, is permanently exempt from the core curriculum requirement.
  - (ii) A nurse practitioner certified by a national credentialing body who also provides evidence of satisfying Parts (d)(2)(A)(i) - (iii) of this Rule shall be exempt from core curriculum requirements in Parts (d)(2)(A)(iv) - (vii) of this Rule. Evidence of satisfying Parts (d)(2)(A)(i) - (iii) of this Rule shall include, but may not be limited to:
    - (I) a narrative of course content; and
    - (II) contact hours.
  - (iii) A nurse practitioner seeking initial approval after January 1, 1998 shall be exempt from the core curriculum requirements if certified as a nurse practitioner in his/her specialty by a national credentialing body when initial certification was obtained after January 1, 1998.
  - (iv) A nurse practitioner applicant, whose formal education does not meet all of the stipulations in Subparagraph (d)(2) of this Rule, may appeal to the Joint Subcommittee on the basis of other education and experience.
- (2) Instead of educational program approval, all nurse practitioner applicants who are applying for or have received, first time approval to practice as a nurse practitioner on or after January 1, 2000 shall be certified by a national credentialing body approved

by the Board of Nursing or be awaiting initial certification by a national credentialing body approved by the Board of Nursing for a period not to exceed 18 months from date temporary approval is granted.

(e) Annual Renewal.

- (1) Each registered nurse who is approved as a nurse practitioner in this state shall annually renew each approval with the Medical Board no later than 30 days after the nurse practitioner's birthday by:
  - (A) Verifying current RN licensure;
  - (B) Submitting the fee required in Paragraph (l) of this Rule; and
  - (C) Completing the renewal form.
- (2) For the nurse practitioner who had first time approval to practice after January 1, 2000, provide evidence of certification or recertification by a national credentialing body.
- (3) If the nurse practitioner has not renewed within 60 days of the nurse practitioner's birthday, the approval to practice as a nurse practitioner will lapse.

(f) Continuing Education (CE). In order to maintain nurse practitioner approval to practice beginning no sooner than two years after initial approval has been granted, the nurse practitioner shall earn 30 hours of continuing education every two years. At least three hours of continuing education every two years shall be the study of the medical and social effects of substance abuse including abuse of prescription drugs, controlled substances, and illicit drugs. Continuing Education hours are those hours for which approval has been granted by the American Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME) or other national credentialing bodies. Documentation shall be maintained by the nurse practitioner at each practice site and made available upon request to either Board.

(g) Inactive Status.

- (1) Any nurse practitioner who wishes to place his or her approval on an inactive status may notify the Boards by completing the form supplied by the Boards;
- (2) The registered nurse with inactive nurse practitioner status shall not practice as a nurse practitioner;
- (3) The registered nurse with inactive nurse practitioner status who reapplies for approval to practice shall be required to meet the qualifications for approval as stipulated in Parts (c)(1)(A), (c)(1)(C) - (F) and Part (c)(2)(A) of this Rule.

(h) Prescribing Authority.

- (1) the prescribing stipulations contained in this Paragraph apply to writing prescriptions and ordering the administration of medications;
- (2) Prescribing and dispensing stipulations are as follows:
  - (A) Drugs and devices that may be prescribed by the nurse practitioner in each practice site shall be included in the written protocols as

- outlined in Paragraph (i), Subparagraph (2) of this Rule.
- (B) Controlled Substances (Schedules 2, 2N, 3, 3N, 4, 5) defined by the State and Federal Controlled Substances Acts may be procured, prescribed or ordered as established in written protocols, providing all of the following requirements are met:
- (i) the nurse practitioner has an assigned DEA number which is entered on each prescription for a controlled substance;
  - (ii) dosage units for schedules 2, 2N, 3 and 3N are limited to a 30 day supply; and
  - (iii) the prescription or order for schedules 2, 2N, 3 and 3N may not be refilled.
- (C) The nurse practitioner may prescribe a drug not included in the site-specific written protocols only as follows:
- (i) upon a specific written or verbal order obtained from a primary or back-up supervising physician before the prescription or order is issued by the nurse practitioner; and
  - (ii) the verbal or written order as described in Subpart (h)(2)(C)(i) of this Rule shall be entered into the patient record with a notation that it is issued on the specific order of a primary or back-up supervising physician and signed by the nurse practitioner and the physician.
- (D) Refills may be issued for a period not to exceed one year except for schedules 2, 2N, 3 and 3N controlled substances which may not be refilled.
- (E) Each prescription shall be noted on the patient's chart and include the following information:
- (i) medication and dosage;
  - (ii) amount prescribed;
  - (iii) directions for use;
  - (iv) number of refills; and
  - (v) signature of nurse practitioner.
- (F) The prescribing number assigned by the Medical Board to the nurse practitioner shall appear on all prescriptions issued by the nurse practitioner.
- (G) Prescription Format:
- (i) all prescriptions issued by the nurse practitioner shall contain the supervising physician(s) name, the name of the patient, and the nurse practitioner's name, telephone number, and prescribing number;
  - (ii) the nurse practitioner's assigned DEA number shall be written on the prescription form when a controlled substance is prescribed as defined in Paragraph (h) Part (B) of this Rule; and
- (3) The nurse practitioner may obtain approval to dispense the drugs and devices included in the written protocols for each practice site from the Board of Pharmacy, and dispense in accordance with 21 NCAC 46 .1700, which is hereby incorporated by reference including subsequent amendments of the referenced materials.
- (i) Quality Assurance standards for a Collaborative Practice Agreement.
- (1) Availability: The primary or back-up supervising physician(s) and the nurse practitioner shall be continuously available to each other for consultation by direct communication or telecommunication.
  - (2) Written Protocols:
    - (A) Written protocols shall be agreed upon and signed by both the primary supervising physician and the nurse practitioner, and maintained in each practice site.
    - (B) Written protocols shall be reviewed at least yearly, and this review shall be acknowledged by a dated signature sheet, signed by both the primary supervising physician and the nurse practitioner, appended to the written protocol and available for inspection by members or agents of either board.
    - (C) The written protocols shall include the drugs, devices, medical treatment, tests and procedures that may be prescribed, ordered and implemented by the nurse practitioner consistent with Paragraph (h) of this Rule, and which are appropriate for the diagnosis and treatment of the most commonly encountered health problems in that practice setting.
    - (D) The written protocols shall include a pre-determined plan for emergency services.
    - (E) The nurse practitioner shall be prepared to demonstrate the ability to perform medical acts as outlined in the written protocols upon request by members or agents of either Board.
- (3) Quality Improvement Process.
- (A) The primary supervising physician and the nurse practitioner shall develop a process for the on-going review of the care provided in each practice site to include a written plan for evaluating the quality of care provided for one or more frequently encountered clinical problems; and
  - (B) This plan shall include a description of the clinical problem(s), an evaluation of the current treatment interventions, and if needed, a plan for improving outcomes within an identified time-frame;
  - (C) The quality improvement process shall include scheduled meetings between the primary supervising physician and the nurse

practitioner at least every six months. Documentation for each meeting shall:

- (i) identify clinical problems discussed, including progress toward improving outcomes as stated in Part (i)(3)(B) of this Rule, and recommendations, if any, for changes in treatment plan(s);
- (ii) be signed and dated by those who attended; and
- (iii) be available for review by members or agents of either Board for the previous five calendar years and be retained by both the nurse practitioner and physician.

(4) Nurse Practitioner-Physician Consultation. The following requirements establish the minimum standards for consultation between the nurse practitioner/primary or back-up supervising physician(s):

(A) The nurse practitioner with temporary approval shall have:

- (i) review and countersigning of notations of medical acts by a primary or back-up supervising physician within seven days of nurse practitioner-patient contact for the first six months of collaborative agreement. This time-frame includes the period of interim status.
- (ii) face-to-face consultation with the primary supervising physician on a weekly basis for one month after temporary approval is achieved and at least monthly throughout the period of temporary approval.

(B) The nurse practitioner with first time approval to practice shall have:

- (i) review and countersigning of notations of medical acts by a primary or back-up supervising physician within seven days of nurse practitioner-patient contact for the first six months of collaborative agreement. This time-frame includes the period of interim status.
- (ii) face-to-face consultation with the primary supervising physician on a weekly basis for one month after full approval is received and at least monthly for a period no less than the succeeding five months.

(C) The nurse practitioner previously approved to practice in North Carolina who changes primary supervising physician shall have face-to-face consultation with the primary supervising physician weekly for one month and then monthly for the succeeding five months.

(D) Documentation of consultation shall:

- (i) identify clinical issues discussed and actions taken;
- (ii) be signed and dated by those who attended; and
- (iii) be available for review by members or agents of either Board for the previous five calendar years and be retained by both the nurse practitioner and physician.

(j) Method of Identification. The nurse practitioner shall wear an appropriate name tag spelling out the words "Nurse Practitioner."

(k) Disciplinary Action. The approval of a nurse practitioner may be restricted, denied or terminated by the Medical Board and the registered nurse license may be restricted, denied, or terminated by the Board of Nursing, if after due notice and hearing in accordance with provisions of Article 3A of G.S. 150B, the appropriate Board shall find one or more of the following:

- (1) that the nurse practitioner has held himself or herself out or permitted another to represent the nurse practitioner as a licensed physician;
- (2) that the nurse practitioner has engaged or attempted to engage in the performance of medical acts other than according to the written protocols and collaborative practice agreement;
- (3) that the nurse practitioner has been convicted in any court of a criminal offense;
- (4) that the nurse practitioner is adjudicated mentally incompetent or that the nurse practitioner's mental or physical condition renders the nurse practitioner unable to safely function as a nurse practitioner; or
- (5) that the nurse practitioner has failed to comply with any of the provisions of this Rule.

(l) Fees:

- (1) An application fee of one hundred dollars (\$100.00) shall be paid at the time of initial application for approval and each subsequent application for approval to practice. All initial, subsequent and volunteer application fees shall be equally divided between the Board of Nursing and the Medical Board. No other fees are shared. Application fee shall be twenty dollars (\$20.00) for volunteer approval.
- (2) The fee for annual renewal of approval shall be fifty dollars (\$50.00).
- (3) The fee for annual renewal of volunteer approval, shall be ten dollars (\$10.00).
- (4) No portion of any fee in this Rule is refundable.

(m) Practice During a Disaster. A nurse practitioner approved to practice in this State or another state is authorized to perform medical acts, tasks, or functions as a nurse practitioner under the supervision of a physician licensed to practice medicine in North Carolina during a disaster with a county in which a state of disaster has been declared or counties contiguous to a county in which a state of disaster has been declared. The nurse practitioner shall notify the Boards



in writing of the names, practice locations and telephone numbers for the nurse practitioner and each primary supervising physician within 15 days of the first performance of medical acts, tasks, or functions as a nurse practitioner during the disaster. Teams of physician(s) and nurse practitioner(s) practicing pursuant to this Rule shall not be required to maintain on-site documentation describing supervisory arrangements and instructions for prescriptive authority as otherwise required pursuant to Paragraphs (h) and (i) of this Rule.

*History Note: Authority G.S. 90-6; 90-18(c)(13),(14); 90-18.2; 90-171.20(4); 90-171.20(7); 90-171.23(b); 90-171.36; 90-171.37; 90-171.42;*

*Eff. January 1, 1996;*

*Amended Eff. May 1, 1999.*

## CHAPTER 46 - BOARD OF PHARMACY

### SECTION .1300 - GENERAL DEFINITIONS

#### .1317 DEFINITIONS

The definitions of various terms used in this Chapter are found in G.S. 90, Article 4A, and as follows:

- (1) Ambulation Assistance Equipment. Devices that aid in walking, excluding canes, crutches, and walkers.
- (2) Approved School or College of Pharmacy. A school or college of pharmacy accredited by the American Council on Pharmaceutical Education, or a foreign school with a professional pharmacy degree program of at least five years approved by the Board.
- (3) Auxiliary Drug Inventory. A secure, segregated, supplementary source for drugs to be used solely for the purpose of providing adequate drug availability when the pharmacy is closed or the pharmacist is unavailable.
- (4) Board. As defined in G.S. 90-85.3(b).
- (5) Consultant Pharmacist. A licensed pharmacist who, in collaboration with the supervising physician and nurse practitioner or assistant to the physician, develops a retrospective drug utilization review program which:
  - (a) reviews the appropriateness of the choice of medication(s) for the patient and the patient's therapeutic regimen, including choice of medication, dose, frequency, and route of administration;
  - (b) identifies and resolves therapeutic duplication in the patient's medication regimen; and
  - (c) considers patient-specific medication contraindications.

The consultant pharmacist holds himself available for consultation in person, by telephone, or by other means of direct communication at all times when drugs are dispensed.

- (6) Diagnostic equipment. Equipment used to record physiological information while a person goes about normal daily living or while asleep in order to

document a disease process. EPTs, thermometers, and cholesterol equipment are not included as diagnostic equipment.

- (7) Drug review or Pharmaceutical care assessment. An onsite review of a patient's or resident's record by a licensed pharmacist that involves interpretation and evaluation of the drug therapy and other pharmaceutical care services to achieve intended medication outcomes and minimize negative effects of drug therapy.
- (8) Duplicate as used in G.S. 90-85.24. Any license, permit, or registration issued or reissued by the Board which is identical to a previously issued license, permit, or registration, including a permit reissued due to a change in pharmacist-manager.
- (9) Emergency Drugs. Those drugs whose prompt use and immediate availability are generally regarded by physicians as essential in the proper treatment of unforeseen adverse changes in a patient's health or well-being.
- (10) Executive Director. The Secretary-Treasurer and Executive Director of the Board.
- (11) Graduate of an Approved School or College of Pharmacy. A person who has received an undergraduate professional degree in pharmacy from an approved school or college of pharmacy, or a person who has graduated from a foreign professional school of pharmacy and has successfully completed the Foreign Pharmacy Graduate Equivalency Examination offered by the National Association of Boards of Pharmacy and the Test of English as a Foreign Language.
- (12) HMES. Home medical equipment supplier.
- (13) Health Care Facility Pharmacy. A pharmacy maintained in a hospital, clinic, nursing home, rest home, sanitarium, non-federal governmental institution, industrial health facility, or other like health service under the supervision of a pharmacist; or the central area in a hospital, clinic, or other health care facility where drugs are procured, stored, processed, or issued, or where pharmaceutical services are performed.
- (14) Indulgence in the Use of Drugs. The use of narcotic drugs or other drugs affecting the central nervous system or the use of intoxicating beverages to an extent as to deprive the user of reasonable self-control or the ability to exercise such judgment as might reasonably be expected of an average prudent person.
- (15) Limited Service Pharmacy Permit. A pharmacy permit issued by the Board to an applicant that wishes to render in an institutional setting pharmaceutical services not limited to scope and kind but to time and conditions under which such services are rendered.
- (16) Medication Administration Record. A record of drugs administered to a patient.
- (17) Medication Order. An order for a prescription drug

- or other medication or a device for a patient from a person authorized by law to prescribe medications.
- (18) Mobility equipment. Devices that aid a person in self-movement, other than walking, including manual or power wheelchairs and scooters.
  - (19) Oxygen and respiratory care equipment. Equipment or devices used to administer oxygen or other legend drugs, maintain viable airways or monitor cardio-respiratory conditions or events, including, but not limited to, compressed medical gases; oxygen concentrators; liquid oxygen; nebulizers; compressors; aerosol therapy devices; portable suction machines; nasal continuous positive airway pressure (CPAP) machines; Bi-phasic positive pressure devices (BiPAP); infant monitors, such as apnea monitors and cardio-respiratory monitors; positive and negative pressure mechanical ventilators; and pulse oximeters.
  - (20) Patient Medication Profile. A list of all prescribed medications for a patient.
  - (21) Pharmacist. Any person within the definition set forth in G.S. 90-85.3(p), including any druggist.
  - (22) Pharmacist-Manager. The person who accepts responsibility for the operation of a pharmacy in conformance with all statutes and regulations pertinent to the practice of pharmacy and distribution of drugs by signing the permit application, its renewal or addenda thereto.
  - (23) Pharmacy. Any place within the definition set forth in G.S. 90-85.3(q), including any apothecary or drugstore.
  - (24) Pharmacy Intern. Any person who is duly registered with the Board under the internship program of the Board to acquire pharmacy experience or enrolled in approved academic internship programs. A pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while under supervision, perform all acts constituting the practice of pharmacy.
  - (25) Place of residence. Any place used as an individual's temporary or permanent home.
  - (26) President. The President of the Board.
  - (27) Rehabilitation environmental control equipment. Equipment or devices which permit a person with disabilities to control his or her immediate surroundings.
  - (28) Rehabilitation Services. Services and equipment required to maintain or improve functional status and general health as prescribed by the physician which are uniquely specified for each individual's lifestyle. The people involved in this process include the patient, caregiver, physician, therapist, rehabilitation equipment supplier and others who impact on the individual's life style and endeavors.
  - (29) Signature. A written or electronic signature or computerized identification code.
  - (30) Two Years College Work. Attendance at an accredited college for two academic years of not less

than eight and one-half months each and the completion of work for credit leading to a baccalaureate degree or its equivalent and that would permit the student to advance to the next class.

- (31) Undergraduate Professional Degree in Pharmacy. A B.S. or Pharm. D. degree.
- (32) Vice-President. The Vice-President of the Board.

*History Note: Authority G.S. 90-85.3; 90-85.6; 90-85.8; 90-85.13; 90-85.14; 90-85.15; 90-85.21; 90-85.38; 90-85.40; Eff. May 1, 1989;*

*Amended Eff. April 1, 1999; May 1, 1997; September 1, 1995; September 1, 1993; October 1, 1990; January 1, 1990.*

## **SECTION .1400 - HOSPITALS: OTHER HEALTH FACILITIES**

### **.1414 DRUG DISTRIBUTION AND CONTROL**

#### **(a) MEDICATION ORDERS.**

- (1) Medications shall be dispensed from a health care facility pharmacy only upon receipt of a medication order. A mechanism shall be in place to verify the authenticity of the medication order. Oral orders shall be put in writing immediately and signed within the time frame established by regulatory agencies and health care facility policies and procedures.
- (2) All medication orders shall be received and reviewed by a pharmacist and, at a minimum, shall contain the:
  - (A) patient's name, location and other necessary identifying information such as history or medical records number;
  - (B) medication name, strength, dosage form, route of and directions for administration. In the absence of a facility policy on interpretation of routes of administration, the route of administration must be specified;
  - (C) date the order was written; and
  - (D) prescriber's signature (may include electronic signature or verification).
- (3) Medication orders for patients requiring continuous drug therapy shall be entered into a patient medication profile, either manual or automated. The medication profile shall, at a minimum, contain the:
  - (A) patient's name, location and important clinical data such as age, height, weight, sex, and allergies;
  - (B) medication name, strength, dosage form, route of and directions for administration;
  - (C) medication start date;
  - (D) medication discontinuance date; and
  - (E) identification of pharmacist responsible for or verifying technician entry of the medication order.
- (4) Abbreviations used in medication orders shall be agreed to, jointly adopted, and published by the



medical, nursing, pharmacy, and medical records staff of the health care facility.

- (5) Medication orders shall be reviewed and discontinued or suspended, if appropriate, when the patient is transferred to the delivery room, operating room, or is admitted from another facility. A method to protect the patient from indefinite, open-ended drug orders must be provided. The prescriber shall be notified in a timely manner that the order shall be stopped before such action takes place by one or more of the following:

- (A) the routine monitoring of patient's drug therapy by a pharmacist;
- (B) a health care facility-approved, drug class-specific, automatic stop order policy covering those drug orders not specifying a number of doses or duration of therapy; or
- (C) a health care facility-approved automatic cancellation of all drug orders after a predetermined time interval unless rewritten by the prescriber.

- (6) Health care facilities which credential practitioners' for prescribing privileges within the facility shall provide the health care facility pharmacy with credentialing information annually or immediately upon discharge or when privileges are suspended or terminated.

(b) DEVICES. Devices shall be dispensed in accordance with Section .2600 of this Chapter.

(c) DISPENSING. In health care facilities with 24 hour pharmacy services, all dispensing shall be done by a pharmacist. In health care facilities without 24 hour pharmacy services, Rule .1413 of this Section shall apply in the absence of a pharmacist.

(d) LABELING.

- (1) All drugs dispensed from within a health care facility pharmacy shall be labeled and identified up to the point of administration;
- (2) Whenever a drug is added to a parenteral admixture, it shall be labeled with a distinctive supplementary label indicating the name and amount of the drug added, expiration date, and expiration time, if applicable. For admixtures prepared outside the pharmacy, the pharmacist-manager shall develop policies and procedures for preparation and labeling.

(e) PARENTERAL MEDICATIONS. The dispensing of parenteral medications shall be done in accordance with Section .2800 of this Chapter - Sterile Parenteral Pharmaceuticals.

(f) PATIENT CARE UNIT MEDICATION INVENTORIES. This Paragraph does not apply to nursing facilities, assisted living facilities, and adult care homes.

- (1) Non-controlled drugs may be stocked in quantities limited to not more than five dosage units per drug on a health care facility patient care unit when immediate availability is deemed essential to the patient's health and well-being. The pharmacist-manager shall develop an approved drug list for

each health care facility location. Drugs shall be stored in a manner that prevents unauthorized access and shall only be administered to a patient of the health care facility pursuant to a medication order.

- (2) All controlled substances stocked within a health care facility that are not located within the facility's pharmacy or automated dispensing device must be accompanied by a disposition form issued from the pharmacy. This document shall at a minimum contain:

- (A) the product name, strength, dosage form, and quantity supplied;
- (B) the date transferred to the patient care unit by the pharmacy;
- (C) the name of the pharmacy representative supplying, and the patient care unit representative receiving the drug;
- (D) the date, time, and amount of the drug removed from the patient care unit stock for administration; and
- (E) the patient name and identification of the person acquiring the product.

- (3) Exceptions to this Paragraph shall be made for use of automated dispensing devices provided that these devices meet all applicable rules for controlled substances contained therein.

- (4) When a dose of a controlled substance has been prepared for a patient but not used (i.e., refused, order canceled, or contaminated), it may be destroyed at the patient care unit. The destruction must be witnessed by a health care provider, such as a pharmacist, registered nurse, or licensed practical nurse. Details of the event, along with the identification of the two who affected the destruction, shall be documented. If such record is separate from the disposition form, it shall be maintained uniformly with the corresponding disposition form.

(g) ANCILLARY DRUG CABINET INVENTORIES. (This Paragraph does not apply to nursing facilities, assisted living facilities, and adult care homes.) Drugs that are routinely prescribed by the medical staff in a health care facility shall be maintained in establishing and maintaining quantities limited to not more than five dosage units per drug as a supplementary inventory for use only when the pharmacy is closed. The pharmacist-manager shall, in connection with the appropriate committee of the health care facility, develop listings of those drugs to be included in such inventories. The pharmacist-manager shall, at a minimum, assure that:

- (1) access to such drug inventories is by locked cabinet(s) or other enclosure(s) constructed and secured to deny access to unauthorized persons;
- (2) only authorized personnel, as indicated by written policies and procedures, shall obtain access to the drug inventories;
- (3) only pre-packaged drugs are available therein, in amounts sufficient for immediate therapeutic requirements. Drugs shall be properly labeled, with

drug name, strength, lot number and expiration date. Whenever access to such inventory is gained, a copy of the record of withdrawal and a copy of the written order for new drug orders shall be provided to the pharmacy. The record of withdrawal shall contain the following:

- (A) the date of removal of the drug;
  - (B) the name, strength, dosage form, and quantity of drug removed;
  - (C) the name of the patient for whom the drug was ordered;
  - (D) the name or identification code of the authorized personnel removing the drug from inventory;
- (4) all drugs are reviewed no less often than quarterly to ensure their purity, potency, and integrity; and
  - (5) written policies and procedures are established to implement the requirements of this Rule.

(h) **AUTOMATED DISPENSING OR DRUG SUPPLY DEVICES.** Automated Dispensing or Drug Supply Devices such as but not limited to Pyxis machines may be utilized in health care facility pharmacies and where a pharmacy permit exists provided that the pharmacist-manager has developed procedures to assure safe and effective use of medications in accordance with 21 NCAC 46 .1814.

(i) **EMERGENCY KITS.** (This Paragraph does not apply to adult care homes or assisted living facilities) Drugs and devices may be provided in emergency kits for use by authorized personnel provided that:

- (1) the pharmacist-manager, or designee, and the medical staff of the health care facility jointly determine the drugs and devices, by identity and quantity, to be included in the kit. Drugs and devices included in the kit shall be limited to those for emergency use only and are not to be used for any other purpose. The pharmacist-manager shall, in conjunction with the medical staff of the health care facility, develop and implement written policies and procedures to ensure compliance with the provisions of this Section;
- (2) the emergency kit contains those drugs and devices which may be required to meet the immediate therapeutic needs of patients and which are not available from any other authorized source in sufficient time to prevent prolonged discomfort or risk of harm to patients;
- (3) the emergency kit shall be stored in a secure, readily available location under the supervision of the nursing staff and sealed with a non-reusable, easily removable seal to prevent unauthorized access, and to ensure a proper environment for preservation of the drugs and devices within them. Policies and procedures shall be established to ensure the integrity of the kit at all times;
- (4) the exterior of the emergency kit shall be labeled so as to clearly and unmistakably indicate that it is an emergency drug kit and is for use in emergencies only. In addition, a listing of the drugs and devices

contained therein, including name, strength, and quantity of each drug or device shall be attached. Each emergency kit shall be inspected by a pharmacist or his designee every 30 days (90 days for long-term care facilities) to check for expiration dates and the integrity of the seal;

- (5) all drugs and devices contained within the emergency kit shall be labeled, if applicable, with, at a minimum, the name, strength, lot number, manufacturer, and expiration date;
- (6) drugs and devices shall be removed from the emergency kit for administration to a patient only pursuant to a valid physician's order, by personnel authorized by the facility;
- (7) whenever an emergency kit is opened, the pharmacy shall be notified. The pharmacist-manager or designee shall re-stock, re-seal, and return the kit to the unit within a reasonable length of time in order to prevent risk of harm to patients. The emergency drug kits shall be checked by an authorized person in accordance with written policies and procedures of the health care facility. In the event the kit is opened in an unauthorized manner, the pharmacy and other personnel designated by the pharmacist-manager of the facility shall be notified; and
- (8) **CONTROLLED DRUG EMERGENCY KITS.** Emergency drugs that are controlled substances must be stored in compliance with 10 NCAC 45G .0410.

(j) **RECORDS.**

- (1) The pharmacist-manager shall, in addition to the requirements for preserving prescription orders as set forth in G.S. 90-85.26, develop a system of daily accountability for medication compounding and dispensing that shall permit the identification of the responsible pharmacist. Readily retrievable records of accountability shall be maintained for at least 30 days. At a minimum, this system shall identify all personnel who perform these activities and the pharmacist responsible for:
  - (A) interpretation and appropriateness of new medication orders;
  - (B) profile entry of new medication orders;
  - (C) dispensing of new medication orders including stat doses;
  - (D) daily cart fills;
  - (E) intravenous admixtures;
  - (F) compounded medications; and
  - (G) periodically assessing the quality of pharmacy procedures for preparation and release of drugs and devices for replenishment of floor stock, ancillary drug supplies, and automated dispensing devices in locations outside the pharmacy.
- (2) Medication errors resulting from the administration of an incorrect medication or dose shall be documented and reported to the pharmacist-manager. Documentation shall include pertinent



chronological information and appropriate health care facility forms including the identity of individual(s) responsible. These documents shall be archived in a readily retrievable manner, open for inspection, for a period of three years.

- (3) Upon notification of information that reasonably suggests that there is a probability a prescription drug or device dispensed from a location holding a permit has caused or contributed to the death of a patient (see 21 NCAC 46 .2502(k) RESPONSIBILITY OF PHARMACIST-MANAGER), the pharmacist-manager shall retain all documents, labels, vial, supplies, substances and internal investigative reports relating to the event. All such items shall be maintained by the health care facility, accessible to the pharmacist-manager, and open to the Board of Pharmacy.
- (4) The pharmacist-manager shall maintain records of ordering, receiving, dispensing or transfer of controlled substances. These records shall include, but are not limited to the following:
  - (A) Invoices or other such documents verifying the ordering and receipt of controlled substances;
  - (B) Perpetual inventories of controlled substances transferred to patient care units and other sites as allowed by this Rule (i.e., automated dispensing devices, emergency kits, etc.). These inventories shall record the transfer date; location transferred to; the identity of the drug; strength, dosage form, and quantity transferred; transferring pharmacist's name;
  - (C) Disposition records required by Paragraph (f) of this Rule;
  - (D) A record of controlled substances dispensed directly to the patient to include the patient's name; date dispensed; dispensing pharmacist's name; name, strength, dosage form, and quantity of the drug dispensed. The records shall also document drugs returned and credited; and
  - (E) A perpetual inventory shall be maintained on all controlled substances awaiting destruction or return to a vendor.
- (5) Automated systems may be used to collect and store information required by Subparagraph (j)(4) of this Rule provided such system allows for the immediate retrieval (via CRT display and hard-copy printout) of original medication order information and dispensing history consistent with criteria cited in 21 CFR .1306 and 10 NCAC 46 .2304.
- (6) With the exception of Subparagraph (j)(1) of this Rule, all records required by this Section shall be maintained for a period of three years. Such records shall be archived in a uniform manner, retrievable to the pharmacy within 48 hours, and open for review, copying, or seizure by a member or designated employee of the Board.

*History Note: Authority G.S. 90-85.6; 90-85.21; 90-85.32; 90-85.33;*

*Eff. May 1, 1997;*

*Amended Eff. April 1, 1999; August 1, 1998.*

## **SECTION .1600 - LICENSES AND PERMITS**

### **.1612 REINSTATEMENT OF LICENSES AND PERMITS**

All licenses renewed after March 1 are subject to the maximum original fee set out in G.S. 90-85.24 for applicants for licensure. All permits renewed after March 1 are subject to the original registration fee.

*History Note: Authority G.S. 90-85.24;*

*Eff. April 1, 1999.*

## **SECTION .1800 - PRESCRIPTIONS**

### **.1814 AUTOMATED DISPENSING OR DRUG SUPPLY DEVICES**

(a) Automated dispensing or drug supply devices may be used in health care facility pharmacies and where a pharmacy exists, for maintaining patient care unit medication inventories or for a patient profile dispensing system, provided the utilization of such devices is under the personal supervision of the pharmacist. The pharmacist-manager shall develop and implement procedures to assure safe and effective use of medications, and, at a minimum, shall assure that:

- (1) only authorized personnel, as indicated by written policies and procedures, may obtain access to the drug inventories;
  - (2) all drugs therein are reviewed no less than monthly;
  - (3) a system of accountability must exist for all drugs contained therein: the purity, potency, and integrity of the drugs shall be preserved;
  - (4) the device provides records required by this Section and other applicable laws and rules;
  - (5) requirements for controlled substances security are met; and
  - (6) prior to the drug being released for access by the nurse, the pharmacist enters the medication order into a computerized pharmacy profile that is interfaced to the automated dispensing unit, so that drug allergy screening, therapeutic duplication, and appropriate dose verification is done prior to the drug being administered
- (b) Pharmacist supervision shall include:
- (1) The packaging and labeling of drugs to be placed in the dispensing devices. Such packaging and labeling shall conform to all requirements pertaining to containers and label contents;
  - (2) The placing of previously packaged and labeled drug units into the dispensing device;
  - (3) The removal of the drug from the dispensing device and the final labeling of the drug after removal from the dispensing device; and.
  - (4) In the absence of a pharmacist, a person legally

qualified to administer drugs may remove drugs from the dispensing devices only in the quantity of doses needed to satisfy immediate patient needs.

(c) Bar code scanning of drug packaging and storage units may be utilized as a quality control mechanism if this technology is available in the automated dispensing system.

(d) Restocking of automated dispensing devices may be done by pharmacy technicians under the supervision of the pharmacist.

*History Note: Authority G.S. 90-85.6; 90-85.32; 90-85.33; Eff. April 1, 1999.*

## **SECTION .2500 - MISCELLANEOUS PROVISIONS**

### **.2502 RESPONSIBILITIES OF PHARMACIST-MANAGER**

(a) The pharmacist-manager shall assure that prescription legend drugs and controlled substances are safe and secure within the pharmacy.

(b) The pharmacist-manager employed or otherwise engaged to supply pharmaceutical services may have a flexible schedule of attendance but shall be present for at least one-half the hours the pharmacy is open or 32 hours a week, whichever is less.

(c) Whenever a change of ownership or change of pharmacist-manager occurs, the successor pharmacist-manager shall complete an inventory of all controlled substances in the pharmacy within 10 days. A written record of such inventory, signed and dated by the successor pharmacist-manager, shall be maintained in the pharmacy with other controlled substances records for a period of three years.

(d) The pharmacist-manager shall develop and implement a system of inventory record-keeping and control which will enable that pharmacist-manager to detect any shortage or discrepancy in the inventories of controlled substances at that pharmacy at the earliest practicable time.

(e) The pharmacist-manager shall maintain complete authority and control over any and all keys to the pharmacy and shall be responsible for the ultimate security of the pharmacy.

(f) These duties are in addition to the specific duties of pharmacist-managers at institutional pharmacies and pharmacies in health departments as set forth in these Rules.

(g) A person shall not serve as pharmacist-manager at more than one pharmacy at any one time except for limited service pharmacies.

(h) When a pharmacy is to be closed permanently, the pharmacist-manager shall inform the Board and the United States Drug Enforcement Administration of the closing, arrange for the proper disposition of the pharmaceuticals and return the pharmacy permit to the Board's offices within 10 days of the closing date. The pharmacist-manager, and the pharmacy's owner (if the owner is other than the pharmacist-manager), shall transfer prescription files to another pharmacy for maintenance of patient therapy and shall inform the public of such transfer by posted notice or

otherwise. Controlled substance records shall be retained for the period of time required by law.

(i) The pharmacist-manager shall prepare a plan to safeguard prescription records and pharmaceuticals in the event of a natural disaster such as hurricane or flood.

(j) The pharmacist-manager shall separate from the dispensing stock all drug products more than six months out of date.

(k) The pharmacist-manager shall report to the Board of Pharmacy information that reasonably suggests that there is a probability that a prescription drug or device dispensed from a location holding a permit has caused or contributed to the death of a patient or customer. This report shall be filed in writing on a form provided by the Board within 14 days of the owner representative or pharmacist-manager's becoming aware of the event. The pharmacist-manager shall retain all documents, labels, vials, supplies, substances and internal investigative reports relating to the event. All such items shall be made available to the Board upon request.

(l) The Board shall not disclose the identity of a pharmacist-manager who makes a report under Paragraph (k) of this Rule, except as required by law. All reports made under Paragraph (k) of this Rule shall not be released except as required by law.

(m) Dispensing errors which are not detected and corrected prior to the patient receiving the medication shall be documented and reported to the pharmacist-manager. Documentation shall include pertinent chronological information and appropriate forms including the identity of individual(s) responsible. These documents, including action taken as part of a quality assurance plan, shall be archived in a readily retrievable manner and available for inspection by the Board for a period of three years. These documents shall not be released except as required by law.

(n) In any Board proceeding, the Board shall consider compliance with Paragraphs (k) and (m) of this Rule as a mitigating factor and noncompliance with Paragraphs (k) and (m) of this Rule as an aggravating factor.

*History Note: Authority G.S. 90-85.6; 90-85.21; 90-85.25; Eff. May 1, 1989; Amended Eff. April 1, 1999; July 1, 1996; March 1, 1992; October 1, 1990.*

## **SECTION .2600 - DEVICES**

### **.2609 REHABILITATION EQUIPMENT**

(a) Rehabilitation equipment suppliers shall follow the provisions of this Rule rather than the provisions of 21 NCAC 46 .2611.

(b) Rehabilitation equipment suppliers shall:

(1) Solicit information from the physician, physical therapist, occupational therapist, registered nurse and other medical or educational personnel, as to the results of their assessment and evaluation of the patient's physical, functional and associated needs as well as the specific goals to be met by the enabling technology;



- (2) In consultation with the referring health professional(s), patient, patient's family and other primary care providers, delineate the appropriate choices of commercially available and custom fabricated equipment to meet the specified needs of the patient;
- (3) Participate in the measurement of the patient, utilizing appropriate instruments and techniques to assure the fit and function of the selected equipment;
- (4) Deliver, fit and adjust the prescribed equipment;
- (5) Instruct the patient and family in the safe and proper use and care of the equipment provided;
- (6) Provide service and support for the equipment delivered through knowledgeable, skilled and trained service personnel and within 72 hours, provide a response to patient requests for repair service on equipment supplied; however, such service and support need not be provided unless the patient's account is current;
- (7) Provide a specific, written statement of warranty on the equipment provided, including commercial warranties and those for adapted or custom fabricated items;
- (8) Maintain liability insurance of at least one million dollars (\$1,000,000) worth of coverage and when involved in the design, fabrication or substantial modification of commercially available equipment, also maintain product liability insurance; and
- (9) Utilize written, quality assurance procedures including, but not limited to:
  - (A) Reviewing custom designed and fabricated equipment and interfacing techniques with commercial equipment to assure compatibility and safety;
  - (B) Understanding the properties of the materials being used in custom designed and modified equipment to assure long term durability;
  - (C) Documenting goals and objectives of the referring medical or education personnel, as well as short and long term effectiveness of the equipment in meeting those goals and objectives; and
  - (D) Documenting complaints and problems as required in Rule .1608(a)(12) of this Chapter.

*History Note: Authority G.S. 90-85.3(e),(11),(r); 90-85.6; 90-85.22;*

*Eff. September 1, 1995;*

*Amended Eff. April 1, 1999; April 1, 1997.*

## **.2611 MEDICAL EQUIPMENT**

### **(a) Medical equipment suppliers shall:**

- (1) Document information from the physician or other medical personnel as to the patient's specific needs to be met by the equipment delivered as well as the effectiveness of the equipment in meeting those needs;

- (2) In consultation with the referring health professional(s), patient, patient's family and other primary care providers, delineate the appropriate choices of commercially available equipment to meet the specified needs of the patient;
  - (3) Participate in the measurement of the patient, utilizing appropriate instruments and techniques to assure the fit and function of the selected equipment;
  - (4) Deliver, fit and adjust the prescribed equipment;
  - (5) Instruct the patient or family in the safe and proper use and care of the equipment provided in compliance with Rule .2504 of this Chapter;
  - (6) Provide service and support for the equipment dispensed or delivered and, within 72 hours, provide a response to patient requests for repair service on equipment supplied; however, such service and support need not be provided unless the patient's account is current;
  - (7) Maintain liability insurance of at least one million dollars (\$1,000,000) worth of coverage;
  - (8) Demonstrate that each item sold or rented has been checked, is free of defect, and operates within the manufacturers' specifications;
  - (9) Refrain from modifying equipment to the extent that the modification might reasonably cause harm;
  - (10) Maintain all electrical components so that they do not present a fire or shock hazard;
  - (11) Ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided;
  - (12) Maintain documentation demonstrating that a function and safety check of equipment was performed prior to set up;
  - (13) Maintain an established protocol for cleaning and disinfecting equipment which addresses both aerobic and anaerobic pathogens including procedures to prevent cross-contamination; and
  - (14) Clean and disinfect equipment according to manufacturers' specifications.
- (b) Medical equipment suppliers shall implement a preventative maintenance program for rental equipment which includes the following:
- (1) Procedures for problem reporting, tracking, recall, and resolution;
  - (2) Performance of service as specified by the manufacturer and the documentation of such performance in the service records; and
  - (3) Maintain documentation of repair and maintenance of equipment. The following information shall be documented in the repair log:
    - (A) Type of equipment;
    - (B) Manufacturer;
    - (C) Model;
    - (D) Serial number;
    - (E) Date of repair;
    - (F) Specific repair made; and
    - (G) Name of person or company performing the

repair.

(c) In addition to Section .2500 of this Chapter providers of parenteral and enteral nutrition services shall comply with the following counseling requirements:

- (1) Utilize orientation checklists to review:
  - (A) Instructions for use of the equipment;
  - (B) Safety precautions;
  - (C) Cleaning procedures;
  - (D) Maintenance procedures; and
  - (E) Return demonstrations on equipment delivered.
- (2) Instruct the patient about emergency and routine contact procedures;
- (3) Deliver and review with the patient written instruction materials to ensure that the patient receives adequate information to properly operate

the equipment; and

- (4) A written plan of service shall be developed, implemented, and documented in the patient record. The plan of service shall include, but is not limited to, the assessment of the safety of the home environment, the caregiver or patient's ability to comply with the prescription, and the caregiver or patient's ability to operate and clean the equipment as instructed.

*History Note: Authority G.S. 90-85.3(e)(11)(r); 90-85.6; 90-85.22;*

*Eff. May 1, 1997;*

*Amended Eff. April 1, 1999; August 1, 1998.*



This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, March 18, 1999, 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, March 15, 1999, 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  
John Arrowood  
Laura Devan  
Jim Funderburke  
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**

March 18, 1999  
April 15, 1999  
May 20, 1999  
June 17, 1999  
July 15, 1999

August 19, 1999  
September 16, 1999  
October 21, 1999  
November 18, 1999  
December 16, 1999

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**RULES REVIEW COMMISSION**

**January 21, 1999  
MINUTES**

The Rules Review Commission met on January 21, 1999, in the West Wing Conference Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Steven P. Rader, R. Palmer Sugg, Laura Devan, John Arrowood, Mark P. Garside, and George S. Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Jackie Herbster	Kilpatrick Stockton
Patrice Alexander	NC Board of Employee Assistance Professionals
Warren Plonk	State Budget
Alicia Gregory	Poyner & Spruill
Roy Sonorick	DHHS/MH/DD/SAS
Glenda Harris	DHHS

**APPROVAL OF MINUTES**

The meeting was called to order at 10:10 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the December 17, 1998 meeting. There being none, the minutes were approved.

**FOLLOW-UP MATTERS**

4 NCAC 1E .0104: COMMERCE/Commerce Finance Center – The rewritten rule submitted by the agency was approved by the Commission.

4 NCAC 1K .0102, .0103, .0302, and .0402: COMMERCE/Commerce Finance Center – The rewritten rules submitted by the

agency were approved by the Commission.

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – The agency requested additional time to rewrite these rules. No action was necessary. Commissioner Arrowood recused himself from any action on these rules.

4 NCAC 3H .0002: COMMERCE/Banking Commission – The agency requested additional time to rewrite this rule. No action was necessary. Commissioner Arrowood recused himself from any action on this rule.

10 NCAC 3R .6112: DHHS/Medical Care Commission – The agency and those opposed to this rule requested additional time to rewrite the rule. No action was necessary.

10 NCAC 26H .0304: DHHS/Division of Medical Assistance – The rewritten rule submitted by the agency was approved by the Commission.

12 NCAC 7D .1201, .1202, .1301, .1302, .1303, .1304, .1305, .1306, and .1307: JUSTICE/N C Private Protective Services Board – No response was received from the agency on these rules so they were returned to the agency for failure to comply with the APA.

17 NCAC 6B .0118: DEPARTMENT OF REVENUE – No action was necessary on this rule.

21 NCAC 46 .1804 and .2506: NC Board of Pharmacy – No response was received on these rules.

21 NCAC 57A .0305: NC Appraisal Board - The agency stated that this rule would be addressed at their February 18, 1999 meeting.

#### **LOG OF FILINGS**

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

10 NCAC 14V .4301: DHHS/Commission for MH/DD/SAS – The Commission objected to this rule due to ambiguity. In (2)(a), it is not clear what is meant by a "nationally accredited" therapeutic community. Who does the accrediting?

15A NCAC 21H .0110: DENR/Commission for Health Services – The Commission extended the period of review on this rule in order to receive information on whether "other rare hemoglobins with symptomatic abnormal clinical thalassaemia disease" is a variant of sickle cell disease, sickle cell trait, or sickle cell thalassemia.

21 NCAC 11 .0109: NC Board of Employee Assistance Professionals – The Commission objected to this rule due to ambiguity. The last two sentences in this rule contradict each other. One sentence says the materials may be obtained at no cost while the other says costs vary. It therefore is not clear what the costs are.

#### **COMMISSION PROCEDURES AND OTHER MATTERS**

A resolution was adopted by the Commission allowing employees of the Rules Review Commission to participate in a 401(k) plan. Mr. DeLuca announced that Ms. Gruber would be retiring on March 31, 1999 after 10 years with the Commission. The Joint Legislative Administrative Procedures Oversight Committee met recently. Elections were held for the Rules Review Commission and Commissioner Powell was unanimously reelected as Chairman and Commissioner Smallwood was unanimously reelected Vice Chairman. Commissioner Rader was unanimously elected as second Vice Chairman.

The next meeting will be on February 18, 1999.

The meeting adjourned at 11:10 a.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  
Beryl E. Wade

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ADMINISTRATION</b>				
Occaneechi Band of the Saponi Nation v NC Comm of Indian Affairs	96 DOA 0006	Smith	12/07/98	13 13 NCR 1075
Carlton L. Coleman v Administration, Division of Purchase and Contract	98 DOA 1016	Phipps	12/16/98	
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	13 11 NCR 933
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	
Alcoholic Beverage Control Comm v Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Comm v Harold Webster Hadnott	98 ABC 0324	Smith	12/02/98	
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	
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	13 03 NCR 350
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	
Alcoholic Beverage Control Comm v Partnership T/A Club Old Times	98 ABC 1071	Owens	01/29/99	
Alcoholic Beverage Control Comm v Jerald Taft Howell, Jr	98 ABC 1171	Smith	12/03/98	
Alton Olliviera Perry v Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
William Randall Banks v Alcoholic Beverage Control Commission	98 ABC 1355	Gray	02/10/99	
Alcoholic Beverage Control Comm v Fast Fare, Inc.	98 ABC 1398	Gray	02/02/99	
<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	13 05 NCR 533
Cynthia Austin v Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	
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	

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Shirley Henryhand 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	13 12 NCR 1015
Valine H. Thompson v Crime Victims Compensation Commission	98 CPS 0674	Morrison	11/18/98	
Rufus K. Williams v Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	
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	
Kenneth B. Hall, Sr v Crime Victims Compensation Commission	98 CPS 1170	Mann	12/21/98	
Dunne G. Smith v Crime Victims Compensation Commission	98 CPS 1201	Reilly	01/04/99	
Felicia House v Crime Victims Compensation Commission	98 CPS 1273	Smith	01/25/99	
Antonia F. Jones v Office of Administrative Hearings	98 CPS 1403	Gray	01/29/99	
<b>ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR</b>				
Thomas A. Truelove, Jr., PE v Bd /Examiners/Engineers and Surveyors	98 ELS 0047	Mann	11/12/98	13 12 NCR 1035
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
Albert C. Wright, Jr v Environment, Health, & Natural Resources	96 EHR 0610*17	Gray	01/29/99	
Albert C. Wright, Jr v Environment, Health, & Natural Resources	96 EHR 0630*17	Gray	01/29/99	
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. Silvia 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*2	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*2	Gray	06/25/98	
Mid South Water Systems, Inc v Environment and Natural Resources	98 EHR 0548	Gray	12/02/98	
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	
J.C. Faw v Department of Environment and Natural Resources	98 EHR 0957	Gray	12/11/98	
Unicon Concrete, Inc v Dept of Environment and Natural Resources	98 EHR 0990	Mann	01/14/99	
Hugh & Bonnie Mills v Dept of Environment and Natural Resources	98 EHR 1090	Phipps	12/08/98	
JM's Professional Construction Svcs., Ltd v DENR	98 EHR 1217	Owens	12/21/98	
Ronald E. Bennett v Environment and Natural Resources	98 EHR 1237	Owens	12/29/98	
Don W. Hunt v Halifax County Health Department	98 EHR 1285	Gray	12/17/98	
Wayne D. Magee v Department of Environment and Natural Resources	98 EHR 1471	Phipps	02/02/99	
Karen J. Dixon, Myra Jones, Alphonzo Dixon v Nash Cty Health Dept	98 EHR 1475	Reilly	02/10/99	
Amos Vaughan v Department of Environment and Natural Resources	98 EHR 1538	Reilly	01/15/99	
<b>Division of Air Quality</b>				
Sebring Dev., Patrick Queen/John Amirante v DENR, Air Quality	98 EHR 0926	Phipps	12/11/98	
John Beard v DENR, Division of Air Quality	98 EHR 1314	Gray	01/29/99	
<b>Division of Coastal Management</b>				
Preston Warren v Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
Marion T. Noe v DENR, Division of Coastal Management	98 EHR 0976	Smith	12/02/98	
<b>Division of Environmental Health</b>				
Gerald P. Sigal v DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
Ronnie Lee Hamill v Pitt Cty Health Dept., Environmental Health Div	98 EHR 1200	Smith	12/29/98	
Joe Seichlone v Crave Natural Resources, Div of Environmental Health	98 EHR 1286	Chess	01/07/99	
Ralph K. Crotts v Burke County Env Health Dept., Septic Tank Div	98 EHR 1334	Owens	01/14/99	
Carl D. Wicker v Alamance Cty Health Dept., Env Health Division	98 EHR 1718	Wade	02/03/99	
<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



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<b><i>Division of Marine Fisheries</i></b>				
Lady LaShanda Melvin Bryant v EHNH, 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><i>Division of Solid Waste Management</i></b>				
Steve Aldridge, et al v DENR, Division of Solid Waste Management	98 EHR 0665	Chess	09/09/98	13:07 NCR 617
<b><i>Division of Water Quality</i></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	
Carol and Conrad Kunkel v Department of Human Services	98 DHR 1047	Smith	12/04/98	
Donald Wayne Perry v Office of Emergency Medical Services	98 DHR 1097	Smith	01/13/99	
E. Jean Woods v EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
Sonia Schaefer Jolly v Village Care King, Autumn Care, DHHS	98 DHR 1134	Chess	01/07/99	
Sandra Nelson Molina v Department of Health & Human Services	98 DHR 1243	Chess	01/21/99	
Bernadette Anderson v Department of Health & Human Services	98 DHR 1257	Morrison	12/11/98	
Cheryl Lynn Staton v Department of Health & Human Services	98 DHR 1259	Smith	11/30/98	
Mary Barrier v Administrative Hearing	98 DHR 1287	Chess	11/19/98	
James Michael Wallace v Department of Human Resources	98 DHR 1340	Gray	12/21/98	
Barbara Jump v Department of Human Services	98 DHR 1350	Reilly	01/20/99	
Brandy Shea Minton v Markus Lodge, General Counsel	98 DHR 1595	Smith	01/06/99	
Reeva Oliver v Board of Nursing, Nursing Asst. Registry	98 DHR 1604	Reilly	02/09/99	
Jackie E. Rathliff v Department of Health & Human Services	98 DHR 1689	Reilly	02/01/99	
<b><i>Division of Child Development</i></b>				
Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cookie's Day Care Home, Wonda W. Garolds v DHHS, Child Dev	98 DHR 0946	Gray	01/13/99	
Cassandra Myers v Division of Child Development	98 DHR 0948	Owens	09/03/98	
Theresa McCormick v DHHS, Division of Child Development	98 DHR 0989	Smith	12/29/98	
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	
Victory Day Care & Learning Ctr. Joe Walters v DHHS, Child Dev	98 DHR 1533	Smith	01/25/99	
Four-County Community Services, Inc. v Human Resources, Child Dev	98 DHR 1534	Smith	01/25/99	
<b><i>Division of Facility Services</i></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	
Mooreville Hospital Mgmt. Associates, Inc. d/b/a Lake Norman Regional Medical Center v DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V. Jurney	97 DHR 1209	Reilly	06/23/98	
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, PA (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 Shokott 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	
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v DHHS, Div. of Facility Services, Certificate of Need Section, and	98 DHR 0244*15	Phipps	11/24/98	13 12 NCR 1018

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Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.				
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v DHHS, Div of Facility Services, Certificate of Need Section, and	98 DHR 0245*15	Phipps	11/24/98	13 12 NCR 1018
Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.				
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v DHHS, Div of Facility Services, Certificate of Need Section, and	98 DHR 0247*15	Phipps	11/24/98	13 12 NCR 1018
Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.				
Rose Marie Spencer v DHHS, Division of Facility Services	98 DHR 0279	Chess	01/07/99	
Deborah Ann Holt v DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Columbia Direct Mktg Corp v DHHS, Facility Svcs, Soltn Lic Br	98 DHR 0394	Morrison	12/31/98	
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* <sup>n</sup>	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	
Judith May Gale v DHHS, Division of Facility Services	98 DHR 0739	Owens	12/16/98	
Latonia Denise Thomas v DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
Tracey Deirdre Galloway v DHHS, Facility Svcs, Health Care Per Reg	98 DHR 0824	Gray	09/24/98	
Afi Teawanda Byrd v DHHS, Division of Facility Services	98 DHR 0838	Reilly	12/29/98	
Happy Dan's Home, Gladys Cooke v Facility Svcs, Group Care Lic Sect	98 DHR 0885	Owens	11/19/98	
Wanda Best v Division of Facility Services, DHHS	98 DHR 0936	Chess	01/11/99	
Tracey Yelverton v DHHS, Division of Facility Services	98 DHR 0955	Owens	01/04/99	
Rose Marie Hadley v DHHS, Division of Facility Services	98 DHR 0970	Smith	10/08/98	
Robena Juanita Jones v DHHS, Division of Facility Services	98 DHR 1089	Gray	12/29/98	
Mona Lisa Lucas v DHHS, Division of Facility Services	98 DHR 1110	Gray	01/04/99	
Edna Weaver Sawyer v DHHS, Division of Facility Services	98 DHR 1111	Gray	01/04/99	
Linda Estes Richardson v DHHS, Division of Facility Services	98 DHR 1131	Chess	01/07/99	
Shirley L. Smith, a/k/a Shirley Lee Turner v DHHS, Facility Services	98 DHR 1132	Chess	01/07/99	
Felicia Ozoms v DHHS, Division of Facility Services	98 DHR 1173	Gray	01/20/99	
Bridgette Taylor v Nurse Aide I Program, DFS	98 DHR 1283	Mann	12/14/98	
Jamie Jarnigan Oaks v DHHS, Division of Facility Services	98 DHR 1284	Smith	01/12/99	
Barbara Davis v DHHS, Division of Facility Services	98 DHR 1317	Gray	12/21/98	
Virgie Harshaw Stinson v Health Care Personnel Registry	98 DHR 1692	Gray	02/10/99	
<b>Division of Medical Assistance</b>				
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	
Isaiah Smith, Jr., by/through his Guardian, Lawrence E. Thompson, III v DHHS, Division of Medical Assistance	98 DHR 0273	Gray	12/07/98	
William M. Bell, Jr. v DHHS, Medical Assistance, Third Party Rec Sec	98 DHR 0979	Mann	01/13/99	13 16 NCR 1366
Alic F. Schneider, Julia R. Hammonds v DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
April Dawn Bass v DHHS, Division of Medical Assistance	98 DHR 1687	Mann	01/14/99	
<b>Division of Social Services</b>				
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	
<b>Child Support Enforcement Section</b>				
William Robert Cameron v Department of Human Resources	96 CRA 1525	Gray	01/11/99	
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* <sup>7</sup>	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	
Anthony B. Griffin v Department of Human Resources	96 CRA 1855	Gray	12/18/98	
Gilbert G. Gray v Department of Human Resources	96 CRA 1858	Morrison	10/08/98	
Jimmy Dorsey v Department of Human Resources	96 CRA 1862	Smith	12/15/98	

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Herbert Leon Sellers v. Department of Human Resources	96 CRA 1932	Smith	11/06/98	
Gregory Boren v. Department of Human Resources	96 CRA 1945	Gray	12/14/98	
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	
Kelvin Cherry v. Department of Human Resources	97 CRA 0026	Gray	12/14/98	
Joe A. Lynch v. Department of Human Resources	97 CRA 0045	Phipps	10/09/98	
Gary W. Wampler v. Department of Human Resources	97 CRA 0187	Smith	12/15/98	
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	
Paula C. Freeman v. Department of Health & Human Services	98 CRA 1117	Smith	12/18/98	
Sherman L. Arnold Sr. v. Department of Health & Human Services	98 CRA 1152	Mann	10/28/98	
Clifton Pierce v. Department of Health & Human Services	98 CRA 1430	Smith	01/11/99	
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 <sup>*7</sup>	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 J. Burgess v. Department of Human Resources	96 CSE 1989	Mann	12/10/98	
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	
James B. Benson v. Department of Human Resources	97 CSE 1399	Gray	12/14/98	
Lawrence Wilkes v. Department of Human Resources	97 CSE 1419	Gray	11/17/98	
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	
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	
Ternace Joan Ness v. Department of Human Resources	97 CSE 1450	Morrison	12/09/98	
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	
Marion Arnett v. Department of Human Resources	97 CSE 1685	Mann	12/10/98	
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. Hurt 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	
Eric Baldwin v. Department of Health & Human Services	98 CSE 0319	Phipps	12/15/98	
Eddie R. Steward v. Department of Health & Human Services	98 CSE 0320	Morrison	02/02/99	
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	
Terry M. Cable v. Department of Human Resources	98 CSE 0433	Phipps	12/09/98	
Charlie Rathiff 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>*14</sup>	Phipps	09/23/98	
Gregory Carty (IV #1564166) v. Department of Human Resources	98 CSE 0562 <sup>*14</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	



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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	
Elijah 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	
Amanda F. Haviland Blount v Department of Health & Human Services	98 CSE 0985	Mann	11/18/98	
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	
Cleatus Dean Cuthbertson v Department of Human Resources	98 CSE 1072* <sup>18</sup>	Phipps	01/21/99	
Cleatus Dean Cuthbertson v Department of Human Resources	98 CSE 1073* <sup>18</sup>	Phipps	01/21/99	
Karen Mitchell v Department of Human Resources	98 CSE 1095	Reilly	10/06/98	
Robert S. Willett v Department of Health & Human Services	98 CSE 1153	Chess	11/19/98	
Judi Devlin v Department of Health & Human Services	98 CSE 1177	Gray	12/29/98	
Issac L. Huey v Department of Health & Human Services	98 CSE 1301	Owens	12/11/98	
Curtis T. Brown v Department of Health & Human Services	98 CSE 1311	Phipps	01/22/99	
Rafael L. Garcia v Department of Human Resources	98 CSE 1353	Reilly	01/22/99	
David Chisolm v Department of Human Resources	98 CSE 1369	Smith	01/22/99	
Robert McKay v Department of Health & Human Services	98 CSE 1371	Chess	02/08/99	
Marc R. McGahee v Department of Human Resources	98 CSE 1381	Gray	02/01/99	
Solomon Freeman v Department of Human Resources	98 CSE 1389	Morrison	02/01/99	
Bill G. Seamans v Scotland Cty Child Sup. Enf.-Scotland County DSS	98 CSE 1391	Phipps	12/09/98	
Michael Jefferson v Department of Health & Human Services	98 CSE 1408	Chess	01/19/99	
Keith Jerome Greene Jr v Department of Human Resources	98 CSE 1417	Gray	02/10/99	
Derrick M. Malley v Department of Human Resources	98 CSE 1420	Morrison	02/01/99	
Cleveland Terry v Department of Human Resources	98 CSE 1424	Phipps	01/14/99	
Tony Mitchell Guion v Department of Health & Human Services	98 CSE 1434	Chess	12/28/98	
Curtis M. Threatt v Department of Health & Human Services	98 CSE 1447	Phipps	12/18/98	
Terril L. Dedie v Department of Human Resources	98 CSE 1458	Smith	01/19/99	
Jeffrey Navares v Department of Human Resources	98 CSE 1461	Gray	02/10/99	
Larry C. William v Department of Health & Human Services	98 CSE 1469	Morrison	02/09/99	
Joseph R. Engelbrecht v Department of Health & Human Services	98 CSE 1472	Owens	01/05/99	
Antonio M. Townsend v Department of Health & Human Services	98 CSE 1473	Phipps	01/14/99	
Sammy Ray Smith v Department of Health & Human Services	98 CSE 1474	Reilly	12/18/98	
Karlos M. Gregory v Department of Human Resources	98 CSE 1507	Smith	02/09/99	
Marvin C. Upchurch v Department of Human Resources	98 CSE 1508	Mann	01/26/99	
Vince E. Green v Department of Human Resources	98 CSE 1509	Chess	02/01/99	
Mark Steven Goodwin v Department of Human Resources	98 CSE 1510	Gray	02/10/99	
William R. Cameron v Department of Human Resources	98 CSE 1512	Gray	01/25/99	
Dennis M. McDonald v Department of Human Resources	98 CSE 1513	Morrison	01/26/99	
James Otis Masters v Department of Human Resources	98 CSE 1514	Owens	02/09/99	
Paul R. Simon v Department of Human Resources	98 CSE 1515	Phipps	02/09/99	
Grady Harold Reasor v Department of Human Resources	98 CSE 1519	Chess	02/01/99	
Alejo J. Heller v Department of Human Resources	98 CSE 1520	Gray	02/10/99	
Ronnie F. Davis v Department of Health & Human Services	98 CSE 1523	Owens	12/29/98	
Paul Monroe Covington v Department of Health & Human Services	98 CSE 1524	Phipps	02/09/99	
Eugene B. Patton III v Department of Human Resources	98 CSE 1548	Smith	01/26/99	
Gerald Pendergrass v Department of Human Resources	98 CSE 1570	Gray	01/22/99	
Leon McNair v Department of Human Resources	98 CSE 1573	Owens	02/11/99	
Harry C. Rorie Jr v Department of Human Resources	98 CSE 1576	Smith	01/25/99	
Cesar A. Hernandez v Department of Health & Human Services	98 CSE 1580	Mann	01/13/99	
Ronald E. Davis Jr v Department of Human Resources	98 CSE 1589	Reilly	01/26/99	
Douglas Sanders v Department of Human Resources	98 CSE 1606	Mann	01/26/99	
Travis Lamont Stevenson v Department of Human Resources	98 CSE 1609	Phipps	01/28/99	
Jada Ballard v Department of Human Resources	98 CSE 1614	Gray	02/10/99	
Reginald Melver v Department of Human Resources	98 CSE 1629	Morrison	02/11/99	
Mia Marisa Gionzales-Sisk v Department of Human Resources	98 CSE 1632	Reilly	02/02/99	
Robert E.L. Heck v Department of Health & Human Services	98 CSE 1660	Gray	02/10/99	
Bobby L. Mills v Department of Human Resources	98 CSE 1663	Mann	01/20/99	
Anthony McRae v Department of Human Resources	98 CSE 1682	Reilly	02/09/99	
Dennis Warren Everson v Department of Health & Human Services	98 CSE 1683	Smith	02/11/99	
Albertus Shaw v Department of Health & Human Services	98 CSE 1701	Morrison	01/05/99	
Charles Anthony Jacobs v Department of Human Resources	98 CSE 1714	Phipps	01/19/99	
Johnny Richardson v Department of Human Resources	98 CSE 1731	Smith	02/02/99	
Patricia Chambers v Department of Human Resources	96 DCS 1944	Mann	01/26/99	
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	

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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	
Karen White v. Department of Human Resources	98 DCS 0053	Chess	12/14/98	
Sherry L. Hampton v. Department of Human Resources	98 DCS 0257	Morrison	12/01/98	
Terita M. Sharpe v. Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Sherisse Stancel Kelly v. Department of Human Resources	98 DCS 0508	Mann	12/16/98	
Melanie D. Nickerson v. Department of Health & Human Services	98 DCS 0593	Gray	01/19/99	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
<b><i>Division of Women's and Children's Health</i></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	
Mohamad I. Rahman v. DHHS, Womens/Childrens Hlth, Nutr Svcs Sect	98 DHR 0923	Chess	11/06/98	
Evelyn Powell v. Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
<b>HUMAN RELATIONS COMMISSION</b>				
NC Human Relations Comm. Ex Rel Clarice Dial v. Dixie Lee Newsome, Jetti Lee, Jackie Lee and Erwin Judd	98 HRC 1063	Smith	01/21/99	13 16 NCR 1369
<b>JUSTICE</b>				
James Todd Tippet v. NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
<b><i>Alarm Systems Licensing Board</i></b>				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Jay Michael Ratchiff v. Alarm Systems Licensing Board	98 DOJ 1345	Owens	11/19/98	
Robert Derek Ross v. Alarm Systems Licensing Board	98 DOJ 1494	Morrison	12/10/98	
Randy Keith Barr v. Alarm Systems Licensing Board	98 DOJ 1495	Smith	02/05/99	
Barry D. Lyman v. Alarm Systems Licensing Board	98 DOJ 1496	Smith	12/16/98	
<b><i>Auctioneer Licensing Board</i></b>				
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><i>Education and Training Standards Division</i></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	
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Kenneth Earl Brantley v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0046	Gray	11/04/98	13 11 NCR 935
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	
Marvin Sherriel Clark v. Department of Correction and	98 DOJ 0491* <sup>19</sup>	Phipps	01/08/99	
Marvin S. Clark v. Criminal Justice Ed. & Training Stds. Comm				
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	
Kelly Suzanne Mayberry v. Sheriffs' Education & Training Stds. Comm	98 DOJ 0875	Chess	11/13/98	
Sharon Day Herring v. Sheriffs' Education & Training Stds. Comm	98 DOJ 0877	Mann	12/30/98	
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	
Berry Bernard Baker v. Criminal Justice Ed. & Training Standards Comm	98 DOJ 0907	Mann	01/15/99	
Evelyn D. Brown v. Sheriffs' Education & Training Stds. Comm.	98 DOJ 0922	Mann	12/22/98	
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	
Herman Lee Colvin v. Sheriffs' Ed. & Training Standards Comm	98 DOJ 1008	Smith	01/07/99	
Ronald Hosea Hodge v. Criminal Justice Ed. & Training Standards Comm	98 DOJ 1058	Smith	01/08/99	
Melvin Garfield Smith v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 1059	Gray	01/04/99	
Paul Harvey Taylor v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1125	Phipps	12/30/98	
Phillip K. McPherson v. Sheriffs' Education & Training Standards Comm	98 DOJ 1360	Gray	01/28/99	
Frankie Arlene Fisher v. Sheriffs' Ed. & Training Standards Comm	98 DOJ 1421	Chess	01/06/99	
Floyd Lee Hatch v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 1441	Reilly	02/10/99	
Tarrie L. Reid v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 1623	Chess	01/13/99	
<b><i>Private Protective Services Board</i></b>				

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Wayne Carey v Private Protective Services Board	98 DOJ 0619	Owens	11/19/98	
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	
G Russell Smith v Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
David C. Brisson v Private Protective Services Board	98 DOJ 0941	Owens	11/19/98	
Danny Charles Garrett v Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
David C. Truesdale v Private Protective Services Board	98 DOJ 1082	Morrison	12/10/98	
Dennis Ray Hyatt v Private Protective Services Board	98 DOJ 1139	Owens	11/19/98	
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 Fitchette v Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
Arvin Itwaru v Private Protective Services Board	98 DOJ 1493	Morrison	12/10/98	
William Pope v Private Protective Services Board	98 DOJ 1748	Morrison	02/09/99	
<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 Lenoir Cty Bd of Ed	97 EDC 1047	Gray	10/30/98	
George & Ruth Sinclair for Adam Sinclair v Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Erschele, By and Through His Parents, Charles & Kathleen Erschele 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	
Joseph Hughey Barringer v Dr Michael Ward, Dept of Public Instruction	98 EDC 0127	Mann	01/14/99	
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	
<b>STATE BAR</b>				
Linda R Sharp v North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	
<b>STATE PERSONNEL</b>				
<i>Department of Administration</i>				
David Grigsby v NC Commission of Indian Affairs	98 OSP 0428	Morrison	12/14/98	
<i>Community Colleges</i>				
Dr William R Strickland v NC Community College System	98 OSP 1305	Gray	12/07/98	
<i>Department of Correction</i>				
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*4	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*4	Smith	06/30/98	
Michael A Smith v Department of Correction	98 OSP 0231*9	Reilly	08/11/98	
Michael A Smith v Department of Correction	98 OSP 0317*9	Reilly	08/11/98	
Jayne D Bledsoe v Correction, Div of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
David Spencer Norris v Correction, Div of Adult Probation & Parole	98 OSP 0572	Gray	12/18/98	
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	
Robert C Lowder v Brown Creek Correctional Institution	98 OSP 0984	Owens	12/02/98	
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	
Mark Murphy v Correction, Div of Adult Probation & Parole	98 OSP 1155	Mann	12/21/98	
Leo Powell v Harnett Correctional Institute, Department of Correction	98 OSP 1175	Owens	11/25/98	
Amos Boone v Department of Correction	98 OSP 1188	Smith	12/15/98	



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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	
Harold Keith Hamm v Dept of Correction Enterprise/Personnel Off	98 OSP 1409	Gray	12/16/98	
Joseph A Harrell v Correction, Div of Adult Probation & Parole	98 OSP 1411	Gray	12/11/98	
Bunny M Poindexter v Department of Correction, McCain Hospital	98 OSP 1566	Smith	02/09/99	
Deborah Griffin v Warren Correctional Institution, Mr Smiley	98 OSP 1583	Chess	01/07/99	
<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>Eastern North Carolina School for the Deaf</b>				
Cathy A Lancaster v Eastern North Carolina School for the Deaf	98 OSP 0482	Gray	11/30/98	
<b>Employment Security Commission</b>				
Jane B Bolin and Arlene G Sellers v Employment Security Commission	97 OSP 1122*1	Chess	06/02/98	
Jane B Bolin and Arlene G Sellers v Employment Security Commission	97 OSP 1134*1	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	
Patrick K W Howle v Department of Environment and Natural Resources	98 OSP 1240	Reilly	02/11/99	
<b>Health and Human Services</b>				
Velma Harper v Dept of Health & Human Services, Caswell Center	96 OSP 0109	Chess	02/02/99	
Annette Honea v Department of Human Resources	96 OSP 0833	Chess	08/24/98	
William David Simpson v Macon County Board of Health	97 OSP 0167	Chess	01/27/99	13 17 NCR 1488
Angela M Miles v Cumberland County Department of Social Services	97 OSP 0613*5	Gray	07/10/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 0638*10	Chess	08/13/98	
Walker Cannon v DHR/Caswell Center	97 OSP 0731	Phipps	11/30/98	
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*11	Chess	08/13/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0863*11	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*12	Smith	08/20/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 1530*10	Chess	08/13/98	
Ruth Holroyd v Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Tilda D Whitaker v Nash County Health Department Board of Directors	97 OSP 1665	Gray	12/02/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1701*12	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*5	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*12	Smith	08/20/98	
Jackie M Sinclair v Duplin-Sampson Area Mental Health DD, SAS	98 OSP 0252	Smith	12/31/98	
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*12	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	
Delores Laverne Rich v DHHS, Dorothea Dix Hospital	98 OSP 0763	Gray	12/02/98	
Barbara Jean Paquette v Durham County (respondent superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v Center Point Human Services Forsyth Mental Health Forsyth Industrial Systems	98 OSP 0819	Smith	11/05/98	
Stanley K Strong v Jimmy Summerville, Dobbs School, Youth Svcs	98 OSP 1017	Gray	12/07/98	
Derrick Skinner v Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
Paul L Long v Department of Health & Human Services	98 OSP 1202	Owens	12/16/98	
<b>Department of Insurance</b>				
Patricia Casey Rollins v Department of Insurance	95 OSP 0729	Chess	12/14/98	
<b>Department of Justice</b>				
Linda Margaret Koss v State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
Marvin Sherriel Clark v Department of Correction and Marvin S Clark v Criminal Justice Ed & Training Stds Comm	98 OSP 0300*19	Phipps	01/08/99	

\* 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>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>				
Pasquale Vendettuoli v Department of Transportation	97 OSP 1090	Morrison	12/19/98	
Johnny O. Shivar v Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Teresa G Mitchell v Department of Transportation	97 OSP 1565	Smith	12/09/98	
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	
<b>University of North Carolina</b>				
Joseph A Bryant v North Carolina A & T University	96 OSP 1698* <sup>16</sup>	Mann	12/02/98	
Joseph A Bryant v North Carolina A & T University	97 OSP 0242* <sup>16</sup>	Mann	12/02/98	
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	
Thomas H Hastye, III v NC A & T State University	98 OSP 1114	Reilly	12/30/98	
Fred T Jackson v UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Betty Parks v Winston Salem State University	98 OSP 1278	Chess	11/25/98	
Ronnie Bell v Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	
Brenda D Moore v Atty Wanda Jenkins, Fayetteville St University	98 OSP 1506	Smith	01/25/99	
Joseph Carroll Goodlake v UNCA	98 OSP 1535	Phipps	01/07/99	
<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
Walter Williams v Bd of Trustees NC Local Gov Emp Retirement Sys	98 DST 0774	Smith	12/08/98	
<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	

STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
97 OSP 0167

COUNTY OF MACON

WILLIAM DAVID SIMPSON,  
Petitioner,

v.

MACON COUNTY BOARD OF HEALTH,  
Respondent.

RECOMMENDED DECISION

This matter came on for hearing before the administrative law judge presiding commencing on June 30, 1998, and continuing through July 3, 1998 in Franklin, North Carolina, and commencing on December 2, 1998 and continuing through December 9, 1998 in Hendersonville, North Carolina. The Court, after having heard all the evidence in this case, considered the arguments of Counsel, examined all the Exhibits, and reviewed the relevant law, makes the following findings of fact, by a preponderance of the evidence, enters its conclusions of law thereon, and makes the following recommended decision.

**APPEARANCES**

For Petitioner:           Barbara Goldstein  
                                  Post Office Box 1924  
                                  Sylva, North Carolina 28779

                                  David Voerman  
                                  Post Office Box 12485  
                                  New Bern, North Carolina 28561-2485

For Respondent:       Van Winkle, Buck, Wall, Starnes and Davis, P.A.  
                                  Jones P. Byrd  
                                  Michelle Rippon  
                                  Post Office Box 7376  
                                  Asheville, North Carolina 28802

**ISSUE**

Did Respondent have just cause to terminate Petitioner?

**FINDINGS OF FACT**

1. Petitioner herein, William David Simpson, is former Health Director in Macon County. He served as an employee of the Macon County Health Department from 1967 to 1996. In 1975, he was appointed Director of the Macon County Health Department.
2. Petitioner is a lifelong citizen of Macon County. Macon County is a rural mountain county located in the western part of the State of North Carolina, with a population of approximately 27,000 people. The county seat of Macon County is Franklin, and the Petitioner was born and raised in Franklin, North Carolina. His family owns a family business in Franklin called Simpson Oil Company.
3. During the course of his employment as a Director of Macon County Health Department, the Petitioner has received no disciplinary warnings, actions, or incidents. He was nominated as Health Director of the year in the State of North Carolina by the sitting Board of Health on June 8, 1995. (Petitioner's Exhibit Number 17). His evaluations during his tenure as Health Director were always exemplary, and there were no incidents of unsatisfactory performance cited in his evaluations.
4. In 1995, the chairman of the Macon County Board of Health was Dr. Fisher. The vice chairman was Dolan Bates. Other members of the Board of Health at that time included Mr. Michael Cummings, a pharmacist, Mr. Al Ledford, Dr. King, and various other individuals.



5. Commencing approximately in the middle of 1995, and including and continuing through the end of 1996, many of these members of the Board of Health were replaced. New members who were appointed to the board during this period of time, included Terry Dalton, Sutton Russell, George Sweet, Mack Stanfield, Bob Richardson, and John Hamm.

6. Because of the Petitioner's lifelong residence in Macon County, and specifically in the town of Franklin, he had contact, over the period of time that he was Director of the Health Department, with the vast majority of citizens in Macon County. Macon County, being a small rural mountain county, is the type of geographical location where just about everyone knew everyone else, and where just about everyone had business with the county, at one time or another, and in one fashion or another.

7. At the time of the events complained of in this petition, Petitioner had approximately 360 months of continuous state employment, and was a pay grade 73. He is a career state employee as defined under Chapter 126 of the North Carolina General Statutes.

8. During the year 1996, and specifically starting in April of 1996, the Board of Health, in Macon County, began to have some concerns in respect to matters concerning the Petitioner's tenure as Health Director. These concerns centered around a trip to Clayton, Georgia, payments to an architect for the expansion of the Health Department, and allegations concerning personal loans which the Petitioner has obtained from various individuals located in Macon County.

9. On or about September 30, 1996, the Board of Health caused the Petitioner to be placed on investigatory leave with pay pending and investigation into these and other matters. The board requested the State Bureau of Investigation to conduct this investigation, and coordinated the investigation with the District Attorney's office. The leave with pay status for the Petitioner was extended on three different occasions so that it was scheduled to expire on January 13, 1997.

10. Throughout the fall of 1996, State Bureau of Investigation Agent Ned Whidmire conducted an investigation into certain alleged activities of the Petitioner herein. He interviewed many individuals, and provided information by way of feedback to the Board of Health concerning this findings. In late November of 1996, and into early December of 1996, he met with most of the members of the Board of Health to advise them of the results of the investigation.

11. On December 13, 1998, prior to the completion of the entire SBI investigation, the Board issued the Petitioner a "pre-dismissal" letter, alleging that he had engaged in conduct which constituted grossly unacceptable job performance, and/or unacceptable personal conduct.

12. The pre-dismissal conference was continued, but eventually the Petitioner appeared before the Board of Health on January 9, 1997, with his attorney, at the "pre-dismissal conference".

13. Prior to this pre-dismissal conference, the Petitioner's attorney had written to the attorney for the Board of Health requesting that the pre-dismissal conference be continued until the SBI investigation could be completed, and had also requested more specificity in respect to the matters set forth in the pre-dismissal notice so the Petitioner could adequately respond thereto. (See Petitioner's Exhibit Number 4).

14. At the pre-dismissal conference, the Petitioner's attorney again requested that the matter not be heard because of the pending SBI investigation. He requested more specificity in respect to the charges and indicated that Petitioner could not respond adequately due to the pending SBI investigation, and the need to exercise his rights under the fifth amendment of the United States Constitution. (See transcript of pre-dismissal conference, Petitioner's Exhibit Number 28).

15. The Board denied these requests, terminated the pre-dismissal conference, and met on January 13, 1997. At that meeting, a vote was taken, and Petitioner was dismissed from his employment.

16. After the vote was taken by the Board, Chairman Terry Dalton, County Manager Sam Greenwood, and Attorney Richard Jones dictated a dismissal letter, which specified certain allegations which the Board alleged constituted the basis for the dismissal of the Petitioner herein. These allegations are as follows:

1. Conduct for which no reasonable person should expect to receive prior warning, in the following particulars:

A. Your statement made to then Chairman Ledford at the September 10, 1996, meeting that, other than the instance of your borrowing from James Keener the sum of \$400, as represented by your noted dated March 22, 1994, there were no other instances in which you borrowed monies from individuals

or businesses which you or Macon County Health Department regulated. This statement was found to be untrue when it was determined that you had borrowed money from the following individuals: Eric Townson, Al Byers, Lou Capaforte, Mrs. Neville Bryson, Anna Belle Houston and Sue Dean.

B. Your removal from the Macon County Building and Inspection Department of the inspections file concerning the permitting of improvements for the Jones-Holt property on Highway 23-441 North of Franklin, North Carolina on or about February 23, 1995.

C. Your removal from the Macon County Health Department of the files, maps and other information identified for you in the letter dated October 31, 1996, from County Attorney R. S. Jones, Jr.

D. Your discussions with and instructions to Mr. Eric Townson, between December of 1993 through April of 1996, which lead to the preparation of plans and architectural drawings in connection with the proposed Health Department expansion which were for improvements costing far in excess of available funds or funds committed for the project, all without the knowledge or consent of the Board of Health or of the Macon County Board of Commissioners.

E. Your failure to observe and abide by established county policies in the following respects:

(1) Your use of the county automobile to make a personal trip out-of-state, on or about March 11, 1996.

(2) Your removal from the premises of the Macon County Health Department, for the personal use, of Health Department property, consisting of, among other things, a camcorder and notebook computer, which were not returned until October of 1996.

(3) You conducting your personal affairs during regular work hours at the Macon County Health Department by, among other things allowing your personal debtors to make collection calls to Health Department personnel and to yourself, and your accepting visits from debt collectors, representatives of banks and other non-Health Department related individuals.

(4) Your failure to maintain an appropriate supervisory relationship with employees under your direct supervision in that you conducted an improper relationship with Cynthia H. Kinsland.

(5) Your failure to maintain or cause to be maintained complete personnel files on all employees of your department in the office of the County Manager as required by county policies.

2. Job related conduct which constitutes a violation of state or federal law in that:

a. You did violate N.C.G.S. § 159-181 by submitting for payment with your approval and authorization invoices for architectural services which were in excess of funds of budgeted and/or authorized by contract. In particular the invoices submitted by Eric Townson, AIA under date of May 6, 1996, requesting payment of \$12,500 which was paid.

b. You did authorize and direct the transfer of 200 units of Flu Vaccine, the property of Macon County Health Department having a value of approximately \$500, to the Highlands-Cashiers Hospital, without compensation or reimbursement therefore, and without documentation supporting this transfer and further without express authority of the Macon County Board of Health during the Fall Flu Seasons of 1994 and 1995. (See Petitioner's Exhibit Number 1).

17. Prior to the receipt of the Dismissal Letter, the Petitioner had received no warnings under the State Personnel Act for alleged instances of failure in respect to the performance of his duties. The dismissal letter delineated all allegations in terms of "unacceptable personal conduct." (See Exhibit Number 1.)

18. The Petitioner duly filed this petition for a contested case, and the matter has been before this Court for

determination since February of 1997.

19. The factual matters for each specific allegation contained in the pre-dismissal letter will now be addressed by the Court:

**ALLEGATION # 1A**

1. The Board of Health held a meeting on September 10, 1996 and went into executive session. The purpose for going into the executive session was to talk with the Petitioner concerning two matters: 1) his use of a county car for his trip to Clayton, Georgia on March 11, 1996, and 2) the Petitioner's borrowing \$400 from James Keener, on March 22, 1994, when Kenner was a septic tank installer in Macon County.

2. The issue concerning the trip to Clayton, Georgia came up before, in the spring of 1996. The issue concerning the borrowing of money from James Keener was brought to the board's attention, after an unknown person left a copy of a promissory note from the Petitioner to James Keener in Chairman Dalton's pickup truck.

3. During the course of this meeting on September 10, 1996, Chairman Al Ledford specifically inquired of the Petitioner as to "whether there were any more of these loans out there".

4. Chairman Ledford testified, during the course of the proceedings in this case, that he meant, by that question, whether there were any more loans from septic tank installers since Keener was a septic installer in Macon County.

5. This was confirmed by Mike Cummings, who also testified during the course of proceedings in this case.

6. The Petitioner understood the question to be addressed solely to septic tank installers.

7. The Petitioner answered the question "No" in that he was replying that he did not know of any loans from septic installers other than James Keener.

8. Other members of the board, including George Sweet, testified during the course of the proceedings that they understood Chairman Ledford's question to address any other loans. The best evidence of what the question addressed is what the propounder intended and what the recipient understood it to address.

9. While George Sweet testified that he also asked Simpson about other loans during the course of this conversation, it is the statement of Chairman Ledford that is referenced in the dismissal letter and relevant to the inquiry in this case.

10. The Petitioner had advised prior Health Board members, including Dr. Fisher, Dolan Bates, and other members of the board concerning the necessity of his borrowing money from individuals that he knew in the community during the years 1994 and 1995.

11. Petitioner had borrowed money from individuals who were his friends, with the knowledge and consent of the Board of Health. They were: Eric Townson, Al Byers, Mr. Bryson, Annabelle Houston, and Sue Dean.

12. All of these individuals testified that they loaned the Petitioner money because of their personal relationship with him.

13. There is no evidence that any of these individuals received any favor, gift, or preferential treatment in dealing with the Health Department. None was a septic tank installers. (See Petitioner's Exhibit Number 25).

14. Kenner knew the Petitioner for thirty (30) years. Keener made loans to people and required them to pay interest, and sign notes. In respect to the Petitioner, this procedure was followed, and the loan was repaid with interest.

15. Townson knew the Petitioner for eighteen (18) years. Again, he charged interest on the loan, and the Petitioner repaid him with interest.

16. Al Byers knew the Petitioner for some period of time because he was the CEO of the Highlands-Cashiers Hospital. The Byers loan was repaid with interest.



17. Sue Dean knew the Petitioner for forty-six (46) years. She made the Petitioner a loan, and it was repaid with interest.
18. Annabelle Houston knew the Petitioner for thirty (30) years. She was repaid with interest.
19. Mr. Lou Capaforte, and Neville Bryson never loaned the Petitioner any money.
20. The dismissal letter does not specifically accuse the Petitioner, in paragraph 1A, of making illegal or improper loans.
21. The dismissal letter, in paragraph 1A, accuses the Petitioner of making an untruthful statement to the Board of Health on September 10, 1996.
22. The Petitioner sought and received permission from the Chairman and Vice Chairman of the Board of Health to talk with some of his friends to try to obtain needed loans.
23. There is no competent evidence that any of the individuals from whom the Petitioner obtained loans received any favorable treatment, benefit or "quid pro quo" from the Macon County Health Department or Petitioner in return for their extension of a personal loan to Petitioner.

**ALLEGATION #1B**

1. The Macon County Building and Inspection Department was headed during the period of time in question, February 23, 1995, by Mr. Bill Cook.
2. It is alleged that the Health Director removed, improperly, a file concerning the "Jones-Holt property" from this department on or about February 23, 1995.
3. Bill Cook testified during the course of the trial in this case that the file had disappeared from the Health Department, but he had absolutely no evidence that the Petitioner has removed it. On the date the file was suppose to have been removed improperly, Mr. Cook testified that the Petitioner asked for a copy of the file and he gave Petitioner a copy.

**ALLEGATION #1C**

1. The matters set forth in allegation 1C concern the alleged removal of certain files and maps identified in the letter dated October 31, 1996 from County Attorney R. S. Jones, Jr.
2. The files, maps, and other information were not stated or identified in the dismissal letter.
3. The Respondents are required to identify the specific information which they alleged to have been removed from the Health Department in the dismissal letter, in accordance with the holdings of Employment Security Commission of North Carolina v. Wells, 50 N.C. App. 389(1981), and Myers v. Department of Human Resources, 92 N.C. App. 123, cert. denied, 324 N.C. 247 (1989).
4. The Petitioner did not intentionally remove the personnel file of Vicki Provencher when he left the Health Department on September 30, 1996. This file was returned after the Petitioner realized he had it in his possession.
5. Removal of any files, maps, or other matters from the Health Department by the Petitioner was inadvertent, and was done due to the short notice Petitioner was given to pack and leave the premises.

**ALLEGATIONS #1D**

1. The Macon County Health Department was engaged in an expansion project from 1993 through the middle of 1996. This expansion project involved a substantial expansion of the Health Department's facility.
2. The present Health Department facility was built some years ago. Mr. Eric Townson, a qualified architect from an adjoining county, was the architect.

3. Townson has been involved in the architectural plans and drawings for a number of governmental expansion projects in the Western North Carolina. He is a qualified architect, and an expert in the field of architectural planning for governmental expansion projects, and the costs thereof.

4. Townson originally entered into a contract with the Macon County Board of Commissioners which set his architectural fee at a percentage basis of eight percent (8%), based upon an expansion project costing \$500,000.00.

5. The normal architectural fee for governmental expansion projects is a percentage of the overall cost of the project. As the project increases in cost, the percentage generally decreases.

6. It was originally contemplated that the Health Department expansion in Macon County would be a two-story addition. The county originally budgeted \$500,000.00 from the county for this project. It was contemplated that various grants would be obtained by the Health Department to supplement the funds provided for from the county, in order to finance this operation.

7. The original approval of \$500,000.00 and the architectural fee based thereon was in no way contemplated to be the final cost of the project or the final amount that would be available to complete the project. It was contemplated by the Board of Health, and others that the project would be built based upon all available funds that could be found.

8. From December of 1993 until April of 1996, the Petitioner herein with the full knowledge and consent of the Board of Health, engaged in various activities to try to carry out the expansion project.

9. An estimated cost for the expansion of \$1.5 million was submitted by Mr. Townson, which would have increased his architectural fee substantially. Additional budgets of \$800,000.00, and \$1.08 million were submitted for the project. (See Petitioner's Exhibits #30).

10. The plans and drawings were changed on at least two or three occasions.

11. The Petitioner applied for the various grants that he needed (See Petitioner's Exhibit Number 11), and as evidenced by the minutes of the Board of Health meetings, kept the Board of Health informed about what was going on. (See Petitioner's Exhibit Number 3.6).

12. Sometime in the Spring of 1996, after Terry Dalton came on the Board of Health, a controversy arose regarding the payments for these architectural fees.

13. In respect to the allegations contained in this paragraph, the Court finds that the Petitioner has demonstrated, by a preponderance of the evidence, that he kept the Board of Health and the Macon County Board of Commissioners informed concerning the architectural plans and drawings.

14. He sought their approval and obtained approval for funds to be paid to the architect for the preparation of these plans and drawings at the Macon County Board of Commissioners meetings (See minutes of Board of Commissioner meeting of 7 November 1995, Petitioner's Exhibit #15).

#### **ALLEGATION #1E**

Allegation 1E contains five separate sub parts, which allege violation of county policies in respect to particular matters. These will be addressed in order:

##### **Allegation 1E(1)**

1. On the morning of March 11, 1996, the Petitioner herein was contacted by Mr. Fred Munger, who is the County Commissioner and liaison to the Macon County Board of Health from the County Commissioners.

2. At that time, the Macon County Board of Health was in the process of moving into certain facilities located at the old Highlands-Cashiers Hospital. Mr. Munger had been tasked by the Board of Health with the responsibility of coordinating this project with the Petitioner.

3. Mr. Munger wanted to meet the Petitioner at the Highlands-Cashiers facility in order to go over those plans.

However, Mr. Munger's daughter had a doctor's appointment that afternoon, and he had to have this meeting at a certain time.

4. The Petitioner advised Mr. Munger that he had some personal business in Clayton, Georgia that he needed to take care of during the middle of the day. He told Mr. Munger that it would be necessary for him to take the county car home, obtain his personal vehicle, go to Clayton, Georgia, come back to Franklin and get the county car and drive to Highlands-Cashiers. He indicated to Mr. Munger that he could not meet him at the time requested but would meet him later in the day.

5. Mr. Munger told him that the time that he had set was the only time that he could meet Petitioner and that the Petitioner needed to take the county vehicle to Clayton, Georgia, take care of his business, then drive to Cashiers, and meet Mr. Munger at the facility.

6. The Petitioner protested that he did not want to get in any trouble concerning his mileage and the use of the county vehicle. Mr. Munger assured him that there would be no difficulty whatsoever with this, and that he needed to do it in order to meet Mr. Munger.

7. In accordance with these instructions, Petitioner went to Clayton, Georgia, did some personal business with the bank, and, in accordance with Mr. Munger's instructions, then drove to Cashiers and met Mr. Munger at the facility. Clayton, Georgia is located a short distance, just over the state line, from Franklin, North Carolina.

8. Both the Petitioner and Mr. Munger were seen at the Highlands-Cashiers Hospital by Claudette Burston, who worked there. She saw them on the afternoon in question.

9. Subsequently, it was discovered that the Petitioner had been followed to Clayton by a citizen who was interested in the outcome of the Vicki Provencher firing case. This citizen made a report concerning this trip to the Board of Health, and it appeared in the newspapers in Macon County in approximately April of 1996.

10. The Macon County Board of Health dealt with this issue on several occasions, including specifically on September 10, 1996. At the September 10, 1996 meeting the Board of Health took a vote and decided to require the Petitioner to repay the county \$15.00 for using the county vehicle to go to Clayton, Georgia, and to place a reprimand in his file.

#### **ALLEGATION 1E(2)**

1. On the night of September 30, 1996, the Petitioner was told to pack his belongings and move out of the Macon County Health Department. At that time there was a notebook computer located in his office.

2. This notebook computer was still located in his office the next morning, when it was specifically seen by Nancy Rathbone. Nancy Rathbone is employed as an Administrative Assistant at the Macon County Board of Health.

3. This personal computer was later given to Anne Hyder, by Sam Greenwood, who was the Acting Health Director since the Petitioner's removal.

4. A camcorder was kept in the Petitioner's vehicle and was used for Health Department business. Petitioner returned it the day after being placed on investigatory leave.

5. The camcorder had been available to other employees of the Health Department for both personal and business use.

6. Petitioner used the camcorder for personal use by filming a wedding.

#### **ALLEGATION #1E(3)**

1. There was evidence introduced in the course of the hearing in this case that the Petitioner was visited, on one occasion, at the Macon County Health Department by two people in black suits.

2. There is no evidence whatsoever as to the identity of these individuals, or that they in any way attempted to collect any debt from the Petitioner herein.

3. There are no specific allegations contained in this allegation identifying the persons, dates, or events, which are



described herein in sufficient particularity for Petitioner to adequately defend against these allegations. (See Employment Security Commission of North Carolina v. Wells, *ibid.*).

4. There was no evidence produced during the hearing that the Petitioner conducted personal business affairs during regular work hours such that he was unable to carry out his functions or act in his capacity as Health Director of Macon County.

**ALLEGATION #1E(4)**

1. Allegation 1E(4) was added by Richard Jones, Sam Greenwood, Terry Dalton, and Nancy Rathbone after the Board had considered the matters set forth in the dismissal letter. The Board of Health never considered anything about Allegation 1E(4), did not vote to dismiss the Petitioner for this allegation, and heard no evidence regarding it.

2. There was no competent evidence introduced during the course of the trial of this case which supports the allegations contained in paragraph E(4).

3. Since the Board neither voted on nor considered this allegation, this allegation was improperly placed in the dismissal letter by Richard Jones, Terry Dalton, Sam Greenwood, and Nancy Rathbone.

**ALLEGATION #1E(5)**

1. The issue of the maintenance of personnel files for employees of the Health Department is an issue between county policy and state law.

2. Pursuant to the State Personnel Act, and specifically the manual for local employees subject to the State Personnel Act, certain personnel records are required to be maintained in the Health Department so that they can be checked by State Personnel authorities.

3. Mrs. Martha Gouge Banks from the Regional Personnel Office for the State of North Carolina testified that the Macon County Health Department, so far as she knew, was in compliance with the State Law concerning the maintenance of these personnel records at the Health Department, and the contents thereof. They had passed each audit that had been done in respect to these personnel records.

4. When Sam Greenwood took over as the County Manager in Macon County some time in August of 1996, he issued memorandums requiring that the county maintain complete personnel records on all persons employed in the Health Department. (See Petitioner's Exhibit Number 21).

5. The Petitioner herein sought guidance from the state, and from the county in respect to where and what was supposed to be done with personnel records for state employees who were also county employees. (See Petitioner's Exhibit Number 21).

6. Some time in late August or early September of 1996 it was decided that complete records would be maintained in the county office, with duplicate copies maintained in the Health Department. This was in accordance with state requirements and county requirements also. This was also the manner in which most Health Departments dealt with personnel files, according to the testimony of Mrs. Martha Gouge Banks.

7. Nancy Rathbone was in charge of maintaining Health Department personnel records. So far as she knew, all materials that were necessary under county policy were maintained in these records.

8. Between the first of September of 1996 and 30 September 1996, the Health Department and the County Manager's office were still working to make sure that all personnel records were properly maintained and contained all necessary information.

9. The Petitioner was placed on investigatory leave on September 30, 1996.

10. The Petitioner did not have sufficient time to determine whether all personnel records were properly maintained in both places at the time that he was placed on investigatory leave.

11. The Petitioner has borne his burden of proof that he did not violate county policy in any way in respect to the maintenance of personnel records, and, furthermore, it is clear that, if it did occur, it would be a performance related violation for which the Petitioner received no prior warnings, and his dismissal cannot be based upon this allegation.

**ALLEGATION #2 - ALLEGED VIOLATIONS OF STATE AND FEDERAL LAW.**

**ALLEGATION #2A**

1. During the course of the Health Department expansion project, as referenced in the Findings of Fact set forth herein above, various invoices for payment were submitted by Eric Townson, the architect who had been selected.

2. According to the only competent evidence produced during the course of this hearing, the invoices for these payments represented reasonable costs for work that had been performed by Townson on this expansion project, Townson submitted various invoices depending upon the then existing budget for the expansion operation, and his understanding of appropriate architectural fees based upon the cost thereof.

3. There is no competent evidence that contradicts his fees.

4. The evidence of record is that in the western part of North Carolina, architectural fees are generally set on a percentage of the total overall budget for the building of a governmental unit. In the instant case, there were essentially four (4) different budgets: \$500,000.00, \$1,500,000.00, \$800,000.00, and \$1,008,000.00 (see Petitioner's Exhibits Nos., 30, 11, 12, and 13).

5. The cost allowed for the project would depend upon the amount of monies allowed in the budget, and Townson would set a percentage rate for his fees.

6. An initial payment of \$6,000.00 was made to Townson upon the signing of the original contract with the County Commissioners in the sum of \$500,000.00, representing a down payment on his expected fee of \$40,000.00.

7. It was known that the project would not cost \$500,000.00, but that would be the county's contribution thereto.

8. Funds were being sought from various other grants and other organizations in order to pay these costs.

9. Both Boards knew and approved this approach.

10. Subsequently, Townson submitted other architectural fee requests on various occasions. The initial \$6,000.00 request was not reviewed by the Petitioner herein nor was it approved by him.

11. In the summer of 1995, a controversy arose about Townson's fee. There was concern that his fee, as submitted on invoice, would exceed the amount authorized for the payment of architectural fees for the project.

12. Petitioner went to Walter Hall, who was the County Finance Officer, duly appointed under the provisions of the Local Budget and Fiscal Control Act (N.C.G.S. § 159-181, et. seq.).

13. Hall had an audit done by an independent auditor, which audit appears at Petitioner's Exhibit No. 12, an is delineated page D-6, which indicated that the county had allowed in their budget an overall sum of \$100,000.00 for architectural fees.

14. Hall had some questions concerning the fees, despite this budget item, and addressed correspondence to Townson seeking an explanation of the fees. (See Petitioner Exhibit #12).

15. Hall was eventually able to obtain the explanation necessary from Townson, in writing, as evidenced by Petitioner's Exhibit No. 12.

16. Hall, therefore, approved the payment of the fee.

17. The Petitioner, knowing that the fees has exceeded the sum of \$40,000.00, went to the County Commissioners, and sought approval of a fee in the amount of \$56,430.00. The County Commissioners duly approved this fee, and in the fall of

1995, specifically in November of 1995, Townson was paid in accordance with these two procedures. (See Exhibit No. #17).

18. Townson was paid a little in excess of \$60,000.00 for the architectural work he had done on the project. According to Townson's expert testimony, which has not been refuted in any way by the Respondents herein, he performed a sufficient amount of work to justify this fee in accordance with the amounts of architectural fees normally charged in the western part of North Carolina for this type of project.

19. According to Walter Hall, the County Finance Officer, the amount that Townson was paid did not exceed the authorized amount as set forth in the audited budget referenced herein above which was approved by the auditors for the county, and which appeared in the budget ordinance.

20. Hall approved the invoice submitted by Eric Townson on May 6, 1996. It requested payment in the amount of \$12,500.00, in accordance with the budget ordinance, and in accordance with the provisions of N.C.G.S. § 159-181, et. seq., the Local Budget and Fiscal Control Act.

21. In an audit conducted by the State of North Carolina in respect to funds paid by the County in the year 1996-1997, specifically addressing whether there had been violations of the Local Budget and Fiscal Control Act and the payment of invoices when compared to budgeted items, the State of North Carolina did not find that the payment to Townson on May 6, 1996 was in violation of such Act, or constituted an exception to such Act (see Respondent's Exhibit No. 13).

22. Based upon these Findings of Fact, the Petitioner herein did not violate any responsibilities under the Local Budget and Fiscal Control Act.

23. All the funds paid to Townson were paid from a WIC grant, with specific approval from the State of North Carolina, and the administrator who administered such funds. The county has not expended any of its funds for the payment of the architectural fees in this case (See Petitioner's Exhibit No. 13).

24. There is no competent evidence that Petitioner received anything of value, commit any fraud or any willful, intentional or other violation in this Act as alleged.

#### **ALLEGATION 2B**

1. In respect to the transfer of two hundred units of flu vaccine to the Highlands-Cashiers Hospital, the Petitioner entered into an arrangement with Mr. Al Byers, the CEO of Highlands-Cashiers Hospital, wherein the Health Department, as a public service, would provide flu vaccine to the hospital to be administered by hospital nurses in return for the Health Department receiving free space, and the benefit of renovations at the old Highlands-Cashiers Hospital at no cost.

2. This matter was brought before the Health Board, and was specifically approved by the Health Board.

3. Macon County received something of value far in excess of the value of the flu vaccine for the transfer of this flu vaccine to the Highlands-Cashiers Hospital.

4. The flu vaccine was worth less than \$500.00. The reasonable value of the rental space received by Macon County for free was approximately \$1,200.00 per month. The renovation cost was many thousands of dollars.

5. According to competent evidence, the transfer of services and materials to hospitals, within counties located in western North Carolina, in return for other services to be provided by Health Departments from those hospitals, is a normal way of doing business in that part of the state.

6. Specific approval of the Board of Health for the transfer of these units of flu vaccine, in return for the consideration received, did not constitute a violation of State Law or county policy and was an economic benefit to the Macon County Health Department.

7. This was a reasonable arrangement entered into and approved by the Board of Health, with the County getting the better part of the deal. It was a win-win arrangement for the citizens of Macon County.

8. There was a shift in the composition of the Boards at the time Petitioner's termination letter was issued.



9. One or more alleged violations occurred as early as 1994.

**CONCLUSIONS OF LAW**

1. This Court has jurisdiction over the subject matter of this action and the parties hereto.

2. The Petitioner herein is a career state employee, who is entitled to the protections of the State Personnel Act, and the relevant regulations adopted by the State Personnel Commission in respect to his discharge as the Health Director in Macon County.

3. Under the provisions of 25 NCAC 11.2302(a), the definition of dismissal for unsatisfactory performance of duties established by the State Personnel Commission is as follows:

Unsatisfactory job performance is work related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan, or as directed by the management of the work unit or agency.

In order to reflect a dismissal for unsatisfactorily performance of duties:

An employee must receive at least two prior disciplinary actions:

First, one or more written warnings; followed by a warning or other disciplinary action which notifies the employee that failure to make the required performance improvements may result in dismissal.

(See 25 NCAC 11.2302(c ))

4. Under the provisions of 25 NCAC 11.2304, dismissal for personal conduct is defined by the State Personnel Commission as follows:

- (1) conduct for which no reasonable person should expect to receive prior warning; or
- (2) job related conduct which constitutes a violation of state or federal law; or
- (3) conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency; or
- (4) the willful violation to known or written work rules; or
- (5) conduct unbecoming an employee that is detrimental to the agency's service; or
- (6) the abuse of client(s), patient(s), student(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency; or
- (7) falsification of an employment application or other employment documentation; or
- (8) insubordination which the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning; or
- (9) absence from work after all authorized leave credits and benefits have been exhausted.

5. The Petitioner, in answering Chairman Ledford's question, answered it truthfully, in that he had no other loans from septic tank installers. The Petitioner's reply was based on his understanding of the question asked on September 10, 1996.

6. Based on the record before the Court, as the County Health Director, there was nothing wrong with the Petitioner obtaining a copy of the Jones-Holt file.
7. The Petitioner, based upon all the evidence presented during the course of this case, did not remove this file from the Building and Inspection Department at the time or place alleged. The file is presently in the Department (See Petitioner Exhibit Number #10).
8. The Board of Health, in taking final action with respect to the trip to Clayton, Georgia at the September 10, 1996 meeting, cannot again use that as a basis for his dismissal per the January 13, 1997 letter.
9. The Court concludes, as a matter of law, that one of the allegations contained in the dismissal letter, was not voted on or considered by the Board. Therefore it cannot serve as a basis for the Petitioner's dismissal; that allegation is Allegation Number 1E(4).
10. In respect to Allegation Number 1E(1), the use of the county automobile to make a personal out-of-state trip, the Court concludes as a matter of law that the Board of Health met, considered that allegation, and voted to issue the Petitioner a reprimand for that allegation, and make him repay the county \$15.00 for the use of the county automobile. This constitutes a prior disciplinary action under the provisions of the State Personnel Act, and the Board cannot change that disciplinary action, and use it as a basis for the Petitioner's dismissal at this time.
11. The Petitioner made no false statements regarding loans to the Board on September 10, 1996, as alleged in the dismissal letter.
12. Petitioner has proven, by a preponderance of the evidence, that he did not remove the Jones-Holt Inspection file from the Macon County Building and Inspection Department on February 23, 1995. Therefore that allegation cannot serve as a basis for his dismissal.
13. Based upon the reasonable evidence, Petitioner's removal of files or other materials from the Health Department on September 30, 1996, was inadvertent, and such inadvertent removal of files, maps, or other information does not constitute a personal conduct violation under the definition set forth herein above.
14. Although Respondent's letter of dismissal did not directly list the borrowing of money from Eric Townson, Al Byers, Lou Capaforte, Mrs. Neville Bryson, Annabelle Houston, and Sue Dean as reasons for Petitioner's termination, evidence was fully presented by each side regarding these allegations through witnesses. The Court finds that:
- (a) Borrowing money from Eric Townson was in violation of 25 NCAC 11.2304(4) and (5) and Article VI Section 2, Subsection A, B, C, and D of the Macon County Personnel Policy.
  - (b) Borrowing money from Annabelle Houston and Sue Dean was in violations of 25 NCAC 11.2304(4) and (5) and Article VI Section 2, Subsection A, B, C, and D of the Macon County Personnel Policy.
  - (c) There was no violation of the Administrative Code or County Personnel Policy regarding Al Byers, Lou Capaforte or Mrs. Neville Bryson.
  - (d) Borrowing money from James Keener was a violation of 25 NCAC 11.2304(4) and (5); Article VI Section 2 and Article VI Section 8, Subsection A, B, C, and D of the Macon County Personnel Policy.
15. The personal use of the camcorder was in violation of Macon County Personnel Policy, Article VI Section 2.
16. Petitioner has demonstrated, by the preponderance of the evidence, that he did not borrow any money from Lou Capaforte or Mrs. Neville Bryson.
17. Petitioner has demonstrated, by the preponderance of the evidence, that he did not improperly remove a camcorder or a notebook computer from the Health Department.
18. Petitioner has demonstrated, by the preponderance of the evidence, that he did not conduct personal business

affairs during regular work hours in violation of State and County Personnel Policy.

19. Petitioner has demonstrated by the preponderance of the evidence, that he did not fail to maintain or cause to be maintained complete personnel files in the office of the County Manager, and further concludes that the Petitioner's decision to maintain duplicate files at the county office and the Health Department is in accordance with generally accepted practice as followed by Health Department in respect to the maintenance of files for local personnel who are subject to the State Personnel Act.

20. Petitioner did not violate the provisions of N.C.G.S. § 159-181, et. seq., the Local Budget Fiscal Control Act, by submitting for payment to the County Finance Officer an invoice submitted by Eric Townson dated May 6, 1996 requesting payment in the amount of \$12,500.00.

21. Petitioner has demonstrated, by the preponderance of the evidence, that payments made to Eric Townson were justified under the county budget, as audited, that such payments were in accordance with work performed by Eric Townson, and that such payments were reasonable, appropriate, and in accordance with the normal charges for services performed by architects in the Western part of North Carolina for similar services as performed by Eric Townson in respect to the county health department expansion project.

22. Petitioner has demonstrated, by a preponderance of the evidence, that the transfer of the 200 units of flu vaccine to the Highlands-Cashiers Hospital was specifically approved by the Board of Health, that such approval was justified and appropriate in light of consideration received by Macon County for such transfer, which consideration far exceeded the monetary value of the flu vaccine, that such was done in accordance with generally accepted procedures followed by Health Departments in Western North Carolina, and that such did not constitute a misuse, misapplication, or misappropriation of county funds or property in any way.

Based upon the above Findings of Fact and Conclusions of Law, the undersigned makes the following

**RECOMMENDED DECISION**

That the Respondent's decision to terminate the Petitioner be AFFIRMED.

**ORDER**

The Agency making the FINAL DECISION in this case is required to give each party an opportunity to file exceptions to the Recommended Decision and to present written arguments to the party in the Agency who will make the Final Decision. N.C.G.S. § 150B-36(a).

The Agency is required by N.C.G.S. § 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the parties' attorney of record at the Office of Administrative Hearings.

The Agency that will make the Final Decision in this contested case is the North Carolina State Personnel Commission.

**NOTICE**

In order to appeal a Final Decision, the person seeking review must file a Petition in the Superior Court of Wake County or in the superior court of the county where the person resides. The Petition for Judicial Review must be filed within (30) days after the person is served with a copy of the Final Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties.

This the 26<sup>th</sup> day of January, 1999.

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Sammie Chess, Jr.  
Administrative Law Judge



# CUMULATIVE INDEX

(Updated through February 23, 1999)

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
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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 502	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 01 .0105	12.22 NCR 1981		13.05 NCR 502	*	Approve	12/17/98	*		13.17 NCR 1381	

## ADMINISTRATION

### Environmental Policy Act

1 NCAC 25.0211	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98			13.17 NCR 1381	
1 NCAC 25.0212	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0213	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0301	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0302	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0303	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0402	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0504	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98			13.17 NCR 1381	
1 NCAC 25.0505	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98			13.17 NCR 1381	
1 NCAC 25.0506	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0602	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0603	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 25.0605	12.23 NCR 2088		13.08 NCR 642	*	Approve	12/17/98	*		13.17 NCR 1381	

### Indian Affairs, Commission of

1 NCAC 15.0201	13.02 NCR 175			*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 15.0202	13.02 NCR 175		13.08 NCR 640	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 15.0203	13.02 NCR 175		13.08 NCR 640	*	Approve	12/17/98	*		13.17 NCR 1381	
1 NCAC 15.0204	13.02 NCR 175		13.08 NCR 640	*	Approve	12/17/98			13.17 NCR 1381	
1 NCAC 15.0205	13.02 NCR 175									

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1 NCAC 15 .0206	13-02 NCR 175									
1 NCAC 15 .0207	13-02 NCR 175		13-08 NCR 640	*	Approve	12/17/98	*		13-17 NCR 1381	
1 NCAC 15 .0208	13-02 NCR 175		13-08 NCR 640	*	Approve	12/17/98	*		13-17 NCR 1381	
1 NCAC 15 .0209	13-02 NCR 175		13-08 NCR 640	*	Approve	12/17/98			13-17 NCR 1381	
1 NCAC 15 .0210	13-02 NCR 175		13-08 NCR 640	*	Approve	12/17/98			13-17 NCR 1381	
1 NCAC 15 .0211	13-02 NCR 175		13-08 NCR 640	*	Approve	12/17/98	*		13-17 NCR 1381	
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	*	Approve	12/17/98	*		13-17 NCR 1381	
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1 NCAC 40 .0102		13-05 NCR 521								
1 NCAC 40 .0103		13-05 NCR 521								
1 NCAC 40 .0201		13-13 NCR 1057								
1 NCAC 40 .0202		13-05 NCR 521								
1 NCAC 40 .0203		13-13 NCR 1057								
1 NCAC 40 .0204		13-05 NCR 521								
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<b>Purchase and Contract Division</b>										
1 NCAC 05A .0101	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13-17 NCR 1381	
1 NCAC 05A .0108	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13-17 NCR 1381	
1 NCAC 05A .0112	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98			13-17 NCR 1381	
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1 NCAC 05B .0102	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98			13-17 NCR 1381	
1 NCAC 05B .0201	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13-17 NCR 1381	
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1 NCAC 05B .0206	13-04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13-17 NCR 1381	

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1 NCAC 05B .0208	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13 17 NCR 1381	
1 NCAC 05B .0301		12 17 NCR 1611	13-08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .0302		12 17 NCR 1611	13-08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .0303	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .0305	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
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1 NCAC 05B .0401		12 17 NCR 1611	13-08 NCR 627	*						
1 NCAC 05B .0402	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .0403	13 04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0503	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13 17 NCR 1381	
1 NCAC 05B .0601	13 04 NCR 360		13-08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
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1 NCAC 05B .1303	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
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1 NCAC 05B .1511	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1512	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
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1 NCAC 05B .1517	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1518	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1519		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1520	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1521	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1601	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1602	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1603	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1604		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1605	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1901	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1903	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1906		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1907	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	

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					Action	Date				
1 NCAC 05B 1909	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
<b>State Building Commission</b>										
1 NCAC 30F 0305	13:04 NCR 360		13:08 NCR 645	*	Approve	12/17/98	*		13:17 NCR 1381	
<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>										
2 NCAC 09K 0214	13:14 NCR 1109									
2 NCAC 20B 0104	13:13 NCR 1040									
2 NCAC 43L 0309	13:14 NCR 1109									
<b>Consumer Services</b>										
2 NCAC 54 0101	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 0102	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 0103	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 0104	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 0101	13:14 NCR 1119	13:14 NCR 1119								
<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	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A 0102	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	

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21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0302	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*	<b>Object</b>	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0404	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0405	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0406	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0407	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0501	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
<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	



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					Action	Date				
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	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08A .0308	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 08A .0310	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 08A .0315	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 08F .0107	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08F .0504	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08H .0101	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08H .0102	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08I .0104	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08J .0102	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08J .0107	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08J .0108	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08J .0110	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08J .0111	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08K .0104	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08K .0105	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08M .0102	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08M .0103	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08M .0104	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	
21 NCAC 08M .0201	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 08M .0202	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98			13.17 NCR 1381	
21 NCAC 08M .0204	13.03 NCR 269		13.08 NCR 696	*	Approve	12/17/98	*		13.17 NCR 1381	

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					Action	Date				
21 NCAC 08M 0206	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0207	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0301	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0302	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0303	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0304	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0305	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0306	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0401	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 08M 0402	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08M 0403	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08N 0202	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 08N 0208	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 08N 0302	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 08N 0303	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 08N 0306	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 08N 0307	13-03 NCR 269		13-08 NCR 696	*	Approve	12/17/98	*		13-17 NCR 1381	
<b>CHIROPRACTIC</b>										
21 NCAC 10 0203		12-23 NCR 2098	13-14 NCR 1117	*						
<b>COMMERCE</b>										
4 NCAC 01E 0104	11-09 NCR 569		13-08 NCR 652	*	Object	12/17/98				
4 NCAC 01E 0202	11-09 NCR 569		13-08 NCR 652	*	Approve	01/21/99	*		13-17 NCR 1381	
4 NCAC 01E 0205	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	
4 NCAC 01E 0206	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	
4 NCAC 01E 0207	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	
4 NCAC 01E 0303	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	
4 NCAC 01E 0306	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	
4 NCAC 01F	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13-17 NCR 1381	

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4 NCAC 01H	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0502	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0502	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0601	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0601	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0701	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0701	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0801	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K .0101	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0102	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				



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4 NCAC 01K .0103	11-09 NCR 569		13-08 NCR 652	*	Approve Object	01/21/99 12/17/98	*			
4 NCAC 01K .0104	11-09 NCR 569		13-08 NCR 652	*	Approve Approve	01/21/99 12/17/98	*		13.17 NCR 1381	
4 NCAC 01K .0105	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0202	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0203	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0204	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0205	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0206	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0301	11-09 NCR 569		13-08 NCR 652	*	Approve	12/17/98			13.17 NCR 1381	
4 NCAC 01K .0302	11-09 NCR 569		13-08 NCR 652	*	Object Approve Approve	12/17/98 01/21/99 12/17/98	*			
4 NCAC 01K .0401	11-09 NCR 569		13-08 NCR 652	*	Object Approve Approve	12/17/98 01/21/99 12/17/98	*		13.17 NCR 1381	
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*	Object Approve Approve	12/17/98 01/21/99 12/17/98	*			
4 NCAC 01K .0404	11-09 NCR 569		13-08 NCR 652	*					13.17 NCR 1381	

## Banking Commission

4 NCAC 03B .0101										
4 NCAC 03B .0102										
4 NCAC 03B .0103										
4 NCAC 03B .0102										

## COMMUNITY COLLEGES

23 NCAC 02B .0104	13-10 NCR 804									
23 NCAC 02C .0307										
23 NCAC 02C .0503										
23 NCAC 02C .0504										
23 NCAC 02C .0505										

## COSMETIC ART EXAMINERS

21 NCAC 14A .0101	13-14 NCR 1114									
21 NCAC 14A .0104	13-14 NCR 1114									

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21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13:09 NCR 779	
21 NCAC 14A .0105		13:14 NCR 1157								
21 NCAC 14C .0202	13:14 NCR 1114									
21 NCAC 14F .0101	13:14 NCR 1114									
21 NCAC 14G .0103		13:14 NCR 1157								
21 NCAC 14H .0112		13:16 NCR 1263								
21 NCAC 14H .0118		13:16 NCR 1263								
21 NCAC 14I .0104	13:14 NCR 1114									
21 NCAC 14I .0107	12:22 NCR 1981		13:02 NCR 246	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14I .0109	13:14 NCR 1114									
21 NCAC 14I .0103		13:14 NCR 1157								
21 NCAC 14J .0208	13:14 NCR 1114									
21 NCAC 14J .0501	13:14 NCR 1114									
21 NCAC 14K .0102		13:14 NCR 1157								
21 NCAC 14K .0107		13:14 NCR 1157								
21 NCAC 14L .0101	13:14 NCR 1114									
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Approve	06/18/98			13:03 NCR 334	
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0216		13:14 NCR 1157								
21 NCAC 14L .0303	13:14 NCR 1114									
21 NCAC 14N .0101	13:14 NCR 1114									
21 NCAC 14N .0102	13:14 NCR 1114									
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14N .0104		13:14 NCR 1157								
21 NCAC 14N .0105	13:14 NCR 1114									
21 NCAC 14N .0108	13:14 NCR 1114									
21 NCAC 14N .0110		13:14 NCR 1157								

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21 NCAC 14N .0112	13:14 NCR 1114									
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14N .0601		13:14 NCR 1157								
21 NCAC 14N .0602		13:14 NCR 1157								
21 NCAC 14N .0701		13:14 NCR 1157								
21 NCAC 14N .0702		13:14 NCR 1157								
21 NCAC 14O .0101		13:14 NCR 1157								
21 NCAC 14O .0102		13:14 NCR 1157								
21 NCAC 14O .0103		13:14 NCR 1157								
21 NCAC 14O .0104		13:14 NCR 1157								
21 NCAC 14O .0105		13:14 NCR 1157								
21 NCAC 14O .0106		13:14 NCR 1157								
21 NCAC 14O .0107		13:14 NCR 1157								
21 NCAC 14P .0101		13:14 NCR 1157								
21 NCAC 14P .0102		13:14 NCR 1157								
21 NCAC 14P .0103		13:14 NCR 1157								
21 NCAC 14P .0104		13:14 NCR 1157								
21 NCAC 14P .0105		13:14 NCR 1157								
21 NCAC 14P .0106		13:14 NCR 1157								
21 NCAC 14P .0107		13:14 NCR 1157								
21 NCAC 14P .0108		13:14 NCR 1157								
21 NCAC 14P .0109		13:14 NCR 1157								
21 NCAC 14P .0110		13:14 NCR 1157								
21 NCAC 14P .0111		13:14 NCR 1157								
21 NCAC 14P .0112		13:14 NCR 1157								
21 NCAC 14P .0113		13:14 NCR 1157								
21 NCAC 14P .0114		13:14 NCR 1157								
21 NCAC 14P .0115		13:14 NCR 1157								
21 NCAC 14P .0116		13:14 NCR 1157								



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CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11.24 NCR 1818		12.01 NCR 6	*	Object Approve	09/17/98 10/22/98	*		13.11 NCR 912 13.14 NCR 1167	
DENTAL EXAMINERS										
21 NCAC 16G .0101	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16G .0102	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16G .0103	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16H .0101	12.24 NCR 2203									
21 NCAC 16H .0102	12.24 NCR 2203									
21 NCAC 16H .0103	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0104	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0201	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0202	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0203	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0204	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0205	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0206	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16I .0004	11.20 NCR 1538									
21 NCAC 16I .0005	11.20 NCR 1538									
21 NCAC 16M .0101		13.11 NCR 910	13.15 NCR 1218	*						
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		13.15 NCR 1218	*						
21 NCAC 16Q .0202	12.24 NCR 2203		13.15 NCR 1218	*						

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21 NCAC 16Q .0301	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0302	12.24 NCR 2203		13.15 NCR 1218	*						
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		13.15 NCR 1218	*						
21 NCAC 16V .0101	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16V .0102	13.10 NCR 804		13.15 NCR 1218	*						
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	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0201	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0202	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0203	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0402	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0406	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0501	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0504	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0505	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*		13.16 NCR 1265	
21 NCAC 18B .0701	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0702	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0703	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0704	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .0706	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .1001	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .1002	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .1003	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .1004	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	
21 NCAC 18B .1101	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98			13.16 NCR 1265	

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21 NCAC 18B .1102	12.22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1104	12.22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1105	12.22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
<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	Approve	01/21/99				
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	Approve	01/21/99				
21 NCAC 11 .0105	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0106	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0107	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0108	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0109	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Object	01/21/99				
21 NCAC 11 .0110	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0111	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
21 NCAC 11 .0112	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99				
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
Notice of Intent to Redevelop a Brownfields Property										
15A NCAC 01K	10:19 NCR 2506									13:06 NCR 537
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							



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15A NCAC 01N 0101	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	*	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0102	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	*	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0103	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0201	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0202	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0203	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0301	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0302	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0303	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0304	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0401	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0402	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0403	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0501	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Object	11/19/98			13-17 NCR 1381	
15A NCAC 01N 0502	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	12/17/98	*		13-16 NCR 1265	
15A NCAC 01N 0503	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0601	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0602	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0603	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0604	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0605	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0606	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0701	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Object	11/19/98			13-17 NCR 1381	
15A NCAC 01N 0702	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	12/17/98	*		13-16 NCR 1265	
15A NCAC 01N 0703	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0704	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Object	11/19/98			13-17 NCR 1381	
15A NCAC 01N 0705	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	12/17/98	*		13-16 NCR 1265	
					Approve	11/19/98	*		13-16 NCR 1265	

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15A NCAC 01N 0801	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0802	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N 0901	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N 0902	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01O 0101	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O 0102	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O 0103	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O 0104	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O 0105	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O 0106	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O 0107	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O 0108	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O 0109	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 12B 0901	12-13 NCR 1097	12-03 NCR 209	13-05 NCR 495	L	Approve	12/17/98			13-17 NCR 1381	
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Coastal Resources Commission										
15A NCAC 07	11-04 NCR 183									
15A NCAC 07H 0208	11-19 NCR 1408		11-27 NCR 2058	*						
15A NCAC 07H 0208	12-21 NCR 1873									
15A NCAC 07H 0209	12-21 NCR 1873									
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 0308	N/A		N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 07H 0309	13-05 NCR 436		13-13 NCR 1044	S						
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									

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15A NCAC 0711 1200	12-21 NCR 1873									
15A NCAC 0711 1300	12-21 NCR 1873									
15A NCAC 0711 1400	12-21 NCR 1873									
15A NCAC 0711 1500	12-21 NCR 1873									
15A NCAC 0711 1600	12-21 NCR 1873									
15A NCAC 0711 1600	11-15 NCR 1200									
15A NCAC 0711 1700	12-21 NCR 1873									
15A NCAC 0711 1705	12-16 NCR 1489		13-01 NCR 26	S	Object	09/17/98			13-11 NCR 912	
15A NCAC 0711 1805		13-07 NCR 593	13-16 NCR 1259	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 0711 2101	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2102	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2105	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2401	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2402	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2403	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2404	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 2405	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 0711 0200	12-24 NCR 2202									
15A NCAC 0711 0204		13-07 NCR 593								
15A NCAC 0711 0405	12-24 NCR 2202									
15A NCAC 0711 0203	12-21 NCR 1873									
15A NCAC 0711 0208	12-21 NCR 1873									
15A NCAC 0711 0202	12-21 NCR 1874									
15A NCAC 0711 0203	12-21 NCR 1874									
15A NCAC 0711 0206	12-21 NCR 1874									
15A NCAC 0711 0302	12-21 NCR 1874									
15A NCAC 0711 0304	12-21 NCR 1874									
15A NCAC 0711 0401	12-21 NCR 1874									



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15A NCAC 07L 0405	12.21 NCR 1874									
15A NCAC 07M 0300	12.24 NCR 2202									
15A NCAC 07M 0401	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
15A NCAC 07M 0402	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
15A NCAC 07M 0403	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
15A NCAC 07O 0105	13.02 NCR 176		13.06 NCR 551	S	Approve	12/17/98	*		13.17 NCR 1381	
15A NCAC 07O 0202	13.02 NCR 176		13.06 NCR 551	S	Approve	12/17/98	*		13.17 NCR 1381	
<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		11.30 NCR 2303	*						
15A NCAC 02B 0202	11.24 NCR 1818									
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 11.14 NCR 1136	L/SE						
15A NCAC 02B 0233	11.02 NCR 75	12.02 NCR 77 12.14 NCR 1348 12.20 NCR 1836	11.10 NCR 824 11.14 NCR 1136	L	Object Approve	01/15/98 02/19/98	*		12.22 NCR 2012	Disapproved (HB 1402)
15A NCAC 02B 0245	12.23 NCR 2088		12.06 NCR 462 13.04 NCR 368	S/L/SE						
15A NCAC 02B 0246	12.23 NCR 2088		13.04 NCR 368	*						
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	*	Approve	12/17/98	*		13.17 NCR 1381	

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15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	SE	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0303	13:14 NCR 1111									
15A NCAC 02B .0304	13:14 NCR 1111									
15A NCAC 02B .0306	13:14 NCR 1111									
15A NCAC 02B .0308	12:12 NCR 993									
15A NCAC 02B .0308	12:14 NCR 1233		12:21 NCR 1879 12:23 NCR 2091 12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:16 NCR 1489			L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:16 NCR 1489			*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	13:14 NCR 1111									
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02D	13:12 NCR 943									
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	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 02D 0504	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0518	11:19 NCR 1408									
15A NCAC 02D 0521	11:15 NCR 1200									
15A NCAC 02D 0524	11:15 NCR 1200									
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 0541	13:16 NCR 1252									
15A NCAC 02D 0601	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 0602	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 0604	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0605	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0606	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0607	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 0608	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0610	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0610	11:15 NCR 1200									
15A NCAC 02D 0611	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0611	11:15 NCR 1200									
15A NCAC 02D 0612	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0612	11:15 NCR 1200									
15A NCAC 02D 0613	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0613	11:15 NCR 1200									
15A NCAC 02D 0614	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0614	11:15 NCR 1200									
15A NCAC 02D 0615	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 0615	11:15 NCR 1200									
15A NCAC 02D 0806	11:26 NCR 1976		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	



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					Action	Date				
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
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 .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
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 .1104	13:16 NCR 1252									
15A NCAC 02D .1105	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	

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15A NCAC 02D 1105	11:15 NCR 1200									
15A NCAC 02D 1106	11:26 NCR 1976									
15A NCAC 02D 1200	13:12 NCR 943									
15A NCAC 02D 1200	13:16 NCR 1252									
15A NCAC 02D 1201	12:16 NCR 1482									
15A NCAC 02D 1202	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1203	11:15 NCR 1200		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1203	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1204	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1204	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1205	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1206	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1208	12:16 NCR 1482		13:03 NCR 270	L	Object	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1209	12:16 NCR 1482		13:03 NCR 270	L	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02D 1404	10:18 NCR 2318		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1404	11:15 NCR 1200		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 1501	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1502	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1503	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1504	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1601	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 1700	12:02 NCR 52									
15A NCAC 02D 1703	13:16 NCR 1252									
15A NCAC 02D 1903	12:16 NCR 1482									
15A NCAC 02D 1903	13:12 NCR 943									
15A NCAC 02D 1904	12:16 NCR 1482									
15A NCAC 02D 2001	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 2002	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 02D 2003	12:20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D 2004	12:20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D 2005	12:20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
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									
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	11:19 NCR 1408									
15A NCAC 02Q 0102	12:02 NCR 52		13 03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q 0102	12:16 NCR 1482									
15A NCAC 02Q 0102	13:08 NCR 621									
15A NCAC 02Q 0102	13:12 NCR 943									



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15A NCAC 02Q 0103	12.16 NCR 1482		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0103	12.20 NCR 1817									
15A NCAC 02Q 0107	12.16 NCR 1482		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0304	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0306	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0309	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0314	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0315	12.20 NCR 1817		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0401	12.04 NCR 240		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0402	12.04 NCR 240		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0508	13.08 NCR 621									
15A NCAC 02Q 0511	12.20 NCR 1817		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q 0700	11.08 NCR 442									
15A NCAC 02Q 0702	13.12 NCR 943									
15A NCAC 02Q 0703	13.04 NCR 356									
15A NCAC 02Q 0711	13.04 NCR 356									
15A NCAC 02Q 0711	13.16 NCR 1252									
15A NCAC 02Q 0801	12.02 NCR 52		13.03 NCR 270	*	Approve	11/19/98	*		13.16 NCR 1265	
15A NCAC 02Q 0803	12.02 NCR 52		13.03 NCR 270	*	Approve	11/19/98	*		13.16 NCR 1265	
15A NCAC 02Q 0808	12.16 NCR 1482		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
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	

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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	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A .11:04 NCR 183										
15A NCAC 18A .0425		12:14 NCR 1352								
15A NCAC 18A .0432		13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1000	13:16 NCR 1252	12:14 NCR 1352	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1202	N/A	13:06 NCR 566								
15A NCAC 18A .1300	13:16 NCR 1252		N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1600	13:16 NCR 1252									
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1700	13:16 NCR 1252	13:12 NCR 979								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713								
		12:21 NCR 1882								
		12:24 NCR 2228								
15A NCAC 18A .1808	13:08 NCR 621		13:13 NCR 1047	*						
15A NCAC 18A .1810		12:24 NCR 2228	13:13 NCR 1047	*						
15A NCAC 18A .1812	13:08 NCR 621		13:13 NCR 1047	*						
15A NCAC 18A .1952		13:12 NCR 979								
15A NCAC 18A .1953		13:12 NCR 979								
15A NCAC 18A .1954		13:12 NCR 979								
15A NCAC 18A .1955		13:12 NCR 979								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	12/18/97				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	01/15/98				
15A NCAC 18A .2400	13:16 NCR 1252									
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	

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15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2537	12:08 NCR 614		13:01 NCR 31	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2539	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2600	12:04 NCR 240		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2612		12:14 NCR 1352								
		13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .2801	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Object	10/22/98				
					Object	11/19/98				
					Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 18A .2805	12:16 NCR 1482									
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	*	Object	10/22/98			13:16 NCR 1265	
					Approve	11/19/98	*			
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	*		13:14 NCR 1167	



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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	*		13:14 NCR 1167	
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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			13:14 NCR 1167	
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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	*		13:14 NCR 1167	
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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	*		13:14 NCR 1167	
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Object	10/22/98			13:16 NCR 1265	
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*	Approve	11/19/98	*		13:14 NCR 1167	
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Object	10/22/98			13:16 NCR 1265	
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	11/19/98	*		13:14 NCR 1167	
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:16 NCR 1265	
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98			13:10 NCR 817	
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*			
					Object	07/23/98				

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15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	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	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
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	Object	07/23/98	*		13:10 NCR 817	
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98	*		13:10 NCR 817	
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:09 NCR 779	
15A NCAC 18C	13:04 NCR 356		12:20 NCR 1829	S	Approve	07/23/98			13:09 NCR 779	
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
<b>Land Resources/Land Quality/Sedimentation Control Commission</b>										
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	*						
15A NCAC 04C .0107	13:12 NCR 943									
<b>Marine Fisheries Commission</b>										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									

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15A NCAC 03 12 14 NCR 1113										
15A NCAC 03 13 17 NCR 1377										
15A NCAC 03H 0103 12 23 NCR 2089										
15A NCAC 03I 0101 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J 0103 13 08 NCR 739										
15A NCAC 03J 0107 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J 0109 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
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		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03M 0507 12 23 NCR 2089		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
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		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03O 0306 12 19 NCR 1780		12 19 NCR 1780	13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0103 12 23 NCR 2089		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0201 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0202 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0203 12 23 NCR 2089			13 03 NCR 303	*	Object	11/19/98			13:17 NCR 1381	
15A NCAC 03P 0301 12 23 NCR 2089			13 03 NCR 303	*	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 03P 0302 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0303 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P 0304 12 23 NCR 2089			13 03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03Q 0107 11 26 NCR 1985			13 13 NCR 1043	*						

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15A NCAC 12A 0001 12 13 NCR 1097



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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	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0111	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0117	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0305	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0317	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0318	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98	*		13.16 NCR 1265	
15A NCAC 11 .0321	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0323	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0339	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0353	12.22 NCR 1979		13.04 NCR 378	S	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0359	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98	*		13.16 NCR 1265	

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15A NCAC 11 .0360	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0361	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98	*		13.16 NCR 1265	
15A NCAC 11 .0362	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0502	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0503	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0506	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0507	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0508	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0509	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0510	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98	*		13.16 NCR 1265	
15A NCAC 11 .0511	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0512	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0513	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0515	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0516	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0517	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0520	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0521	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0522	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0523	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0524	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0525	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0702	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .0703	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .1003	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .1100	12.04 NCR 240									No/Action by Agency
15A NCAC 11 .1400	12.04 NCR 240									No/Action by Agency
15A NCAC 11 .1633	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 11 .1635	12.22 NCR 1979		13.04 NCR 378	*	Approve	11/19/98	*		13.16 NCR 1265	

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15A NCAC 11.1647	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.1653	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
<b>Soil &amp; Water Conservation</b>										
15A NCAC 06E.0105	12:20 NCR 1817		13:01 NCR 25	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 06E.0107	12:20 NCR 1817		13:08 NCR 688	*	Approve	12/17/98			13:17 NCR 1381	
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08A.0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0103	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0108	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0109	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0201	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0204	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0207	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0208	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0209	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0210	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0211	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	



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15A NCAC 08B .0212	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0213	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0214	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0301	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0302	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0303	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0304	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0402	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0404	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0405	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0406	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0502	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0506	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0102	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0104	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0105	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0106	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0107	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0108	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0102	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0104	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0105	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0106	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F .0406	13:16 NCR 1252									
15A NCAC 08F .0407	13:16 NCR 1252									
15A NCAC 08G .0101	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0102	11:26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	

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15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0401	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98			13:17 NCR 1381	
15A NCAC 08G .0402	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*	Object	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	

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Well Contractors Certification Commission



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15A NCAC 27.0520	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0601	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0701	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0801	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0810	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0820	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0830	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0840	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0901	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0910	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0920	13.10 NCR 803	13.12 NCR 988								
15A NCAC 27.0930	13.10 NCR 803	13.12 NCR 988								
<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	13.12 NCR 948	*						13.04 NCR 353
15A NCAC 10B.0113	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10B.0200	13.08 NCR 625									
15A NCAC 10B.0202	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10B.0203	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10B.0205	13.08 NCR 625		13.12 NCR 948	*						
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.0209	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10B.0212	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10B.0300	13.08 NCR 625									
15A NCAC 10B.0302	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10C.0100	13.08 NCR 625									
15A NCAC 10C.0107	13.08 NCR 625		13.12 NCR 948	*						
15A NCAC 10C.0200	13.08 NCR 625									

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15A NCAC 10C .0205	13-08 NCR 625		13-12 NCR 948	*						
15A NCAC 10C .0206	13-08 NCR 625		13-12 NCR 948	*						
15A NCAC 10C .0300	13-08 NCR 625									
15A NCAC 10C .0302	13-01 NCR 3	13-11 NCR 907	13-05 NCR 492	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 10C .0305	13-01 NCR 3	13-11 NCR 907	13-05 NCR 492	*	Approve	12/17/98	*		13-17 NCR 1381	
			13-12 NCR 948	*						
15A NCAC 10C .0400	13-01 NCR 3									
15A NCAC 10C .0400	13-08 NCR 625									
15A NCAC 10C .0401	13-08 NCR 625		13-12 NCR 948	*						
15A NCAC 10C .0404	12-06 NCR 445		12-12 NCR 1004	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 10C .0405	13-01 NCR 3	13-11 NCR 907	13-05 NCR 492	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 10C .0500	13-14 NCR 1113									
15A NCAC 10D	12-18 NCR 1694									
15A NCAC 10D .0102	13-08 NCR 625		13-12 NCR 948	*						
15A NCAC 10D .0103	12-18 NCR 1694		12-24 NCR 2205	*						
15A NCAC 10D .0103	13-08 NCR 625		13-12 NCR 948	*						
15A NCAC 10F .0300	13-14 NCR 1113									
15A NCAC 10F .0301	12-19 NCR 1763	12-24 NCR 2224	12-24 NCR 2224	*	Object Approve	10/22/98 11/19/98	*		13-16 NCR 1265	
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	L	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 10F .0310	13-07 NCR 595		13-11 NCR 905	L						
15A NCAC 10F .0311	12-11 NCR 920	13-15 NCR 1231 12-24 NCR 2224	12-17 NCR 1608	L	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	L	Approve	07/23/98			13-09 NCR 779	
15A NCAC 10F .0317	13-08 NCR 625		13-14 NCR 1116	*						
15A NCAC 10F .0318	12-06 NCR 445									
15A NCAC 10F .0321	13-13 NCR 1040									

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15A NCAC 10F .0323	13.13 NCR 1040									
15A NCAC 10F .0327	12.11 NCR 920	12.24 NCR 2224	12.17 NCR 1608	L	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/L						
15A NCAC 10F .0330	13.11 NCR 855	13.15 NCR 1217	13.15 NCR 1231	L						
15A NCAC 10F .0339	13.13 NCR 1040									
15A NCAC 10F .0342	13.07 NCR 585	13.15 NCR 1231	13.11 NCR 905	L						
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 13.12 NCR 941 13.13 NCR 1038 13.16 NCR 1251 13.17 NCR 1376

## FINAL DECISION LETTERS

Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204		13.06 NCR 568	13.13 NCR 1048	*						
21 NCAC 12 .0503	11.28 NCR 2117									
21 NCAC 12 .0504	11.28 NCR 2117									
21 NCAC 12 .0504	13.13 NCR 1040									
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									



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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 13:01 NCR 1  
 Number 137 - Eff. 08/11/98 13:06 NCR 535  
 Number 138 - Eff. 08/25/98 13:07 NCR 581  
 Number 139 - Eff. 08/26/98 13:07 NCR 581  
 Number 140 - Eff. 09/29/98 13:09 NCR 753  
 Number 141 - Eff. 12/21/98 13:15 NCR 1216  
 Number 142 - Eff. 01/19/99 13:16 NCR 1248  
 Number 143 - Eff. 01/19/99 13:16 NCR 1248  
 Number 144 - Eff. 02/04/99 13:17 NCR 1375

## HEALTH AND HUMAN SERVICES

### Aging

10 NCAC 22 10:23 NCR 2956  
 Blind/State Rehabilitation Council, Commission for the  
 10 NCAC 19G .0823 13:17 NCR 1378  
 10 NCAC 19G .0827 13:17 NCR 1378

### 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  
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 13:06 NCR 539 \*  
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 11:27 NCR 2054 \*

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10 NCAC 03U .0705	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .1601	12:21 NCR 1873		13:06 NCR 539	*	Object	11/19/98	*		13:17 NCR 1381	
10 NCAC 03U .1602	12:21 NCR 1873		13:06 NCR 539	*	Approve	12/17/98	*		13:16 NCR 1265	
10 NCAC 03U .1606	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .1612	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .1701	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
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	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2802	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2803	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2804	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2805	12:21 NCR 1873		13:06 NCR 539	S	Object	11/19/98	*		13 17 NCR 1381	
10 NCAC 03U .2806	12:21 NCR 1873		13:06 NCR 539	S	Approve	12/17/98	*		13:17 NCR 1381	
10 NCAC 03U .2807	12:21 NCR 1873		13:06 NCR 539	S	Object	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2808	12:21 NCR 1873		13:06 NCR 539	S	Approve	12/17/98	*		13:16 NCR 1265	
10 NCAC 03U .2809	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2810	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2811	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13 17 NCR 1381	
10 NCAC 03U .2812	12:21 NCR 1873		13:06 NCR 539	S	Object	11/19/98	*			
			13:06 NCR 539	S	Approve	12/17/98	*			

## Controller, Office of

10 NCAC 01B .0418 13:14 NCR 1109  
10 NCAC 01B .0419 13:14 NCR 1109  
10 NCAC 01B .0420 13:14 NCR 1109

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Certificate of Public Advantage (COPA)

Public Notice - Draft 1999 State Medical Facilities Plan

13:03 NCR 261

13:02 NCR 171

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Abbreviated Notice of Temporary Rule-Making										
10 NCAC 03R .0214	12-08 NCR 617		13-03 NCR 270	*	Approve	10/22/98			13-14 NCR 1167	13-06 NCR 536
10 NCAC 03R .1613		13-14 NCR 1119								
10 NCAC 03R .1615		13-14 NCR 1119								
10 NCAC 03R .1713		13-14 NCR 1119								
10 NCAC 03R .1714		13-14 NCR 1119								
10 NCAC 03R .1715		13-14 NCR 1119								
10 NCAC 03R .1912		13-14 NCR 1119								
10 NCAC 03R .1913		13-14 NCR 1119								
10 NCAC 03R .1914		13-14 NCR 1119								
10 NCAC 03R .2113		13-14 NCR 1119								
10 NCAC 03R .2713		13-14 NCR 1119								
10 NCAC 03R .2715		13-14 NCR 1119								
10 NCAC 03R .3000	11-23 NCR 1780									
10 NCAC 03R .3001	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3030	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3051		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98			13-14 NCR 1167	
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 .4203		13-14 NCR 1119								



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10 NCAC 03R 6001	11:22 NCR 1704									
10 NCAC 03R 6101		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R 6102		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R 6103		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6104		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6105		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6106		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6108		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6109		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6110		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6111		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6113		12:15 NCR 1431	13:02 NCR 178	*	<b>Object</b>	<b>10/22/98</b>				
10 NCAC 03R 6114		12:15 NCR 1431	13:02 NCR 178	*	<b>Object</b>	<b>12/17/98</b>			13:14 NCR 1167	
10 NCAC 03R 6115		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6116		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6117		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6118		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6119		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R 6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R 6125		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6126		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R 6127		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	

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10 NCAC 03R 6128		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6129		12.15 NCR 1431	13.02 NCR 178	S/I/SE	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6130		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6131		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98	*		13.14 NCR 1167	
10 NCAC 03R 6132		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6133		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6134		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6135		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6136		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6137		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6138		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6139		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6140		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6141		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6201		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6202		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6203		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6204		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6205		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6206		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6207		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6208		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6209		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6210		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6211		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6212		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6213		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6214		13.14 NCR 1119	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	

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10 NCAC 03R 6215		13.14 NCR 1119								
10 NCAC 03R 6216		13.14 NCR 1119								
10 NCAC 03R 6217		13.14 NCR 1119								
10 NCAC 03R 6218		13.14 NCR 1119								
10 NCAC 03R 6219		13.14 NCR 1119								
10 NCAC 03R 6220		13.14 NCR 1119								
10 NCAC 03R 6221		13.14 NCR 1119								
10 NCAC 03R 6222		13.14 NCR 1119								
10 NCAC 03R 6223		13.14 NCR 1119								
10 NCAC 03R 6224		13.14 NCR 1119								
10 NCAC 03R 6225		13.14 NCR 1119								
10 NCAC 03R 6226		13.14 NCR 1119								
10 NCAC 03R 6227		13.14 NCR 1119								
10 NCAC 03R 6228		13.14 NCR 1119								
10 NCAC 03R 6229		13.14 NCR 1119								
10 NCAC 03R 6230		13.14 NCR 1119								
10 NCAC 03R 6231		13.14 NCR 1119								
10 NCAC 03R 6232		13.14 NCR 1119								
10 NCAC 03R 6233		13.14 NCR 1119								
10 NCAC 03R 6234		13.14 NCR 1119								
10 NCAC 03R 6235		13.14 NCR 1119								
10 NCAC 03R 6236		13.14 NCR 1119								
10 NCAC 03R 6237		13.14 NCR 1119								
10 NCAC 03R 6238		13.14 NCR 1119								
10 NCAC 03R 6239		13.14 NCR 1119								
10 NCAC 03R 6240		13.14 NCR 1119								
10 NCAC 03R 6241		13.14 NCR 1119								
10 NCAC 03S	12.24 NCR 2194									



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Health Services										
15A NCAC 16A .0101	12.22 NCR 1979		13-02 NCR 234	*	Object	10/22/98			13.16 NCR 1265	
15A NCAC 16A .0106	12.22 NCR 1979		13-02 NCR 234	*	Approve	11/19/98	*		13.14 NCR 1167	
15A NCAC 16A .0108	12.22 NCR 1979		13-02 NCR 234	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 16A .1103	13.14 NCR 1114									
15A NCAC 16A .1104	13.14 NCR 1114									
15A NCAC 16A .1106	13.14 NCR 1114									
15A NCAC 19A .0400	13.11 NCR 855									
15A NCAC 19A .0502	13.11 NCR 855	13.13 NCR 1059								
15A NCAC 19C .0206		12.15 NCR 1451	13-05 NCR 496	S	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 21H .0110	12.20 NCR 1822		13-07 NCR 591	S	Extended Rev	01/21/99				
15A NCAC 21H .0111	12.20 NCR 1822		13-07 NCR 591	S	Agcy Withdraw	02/02/99	*			
15A NCAC 21H .0113	12.20 NCR 1822		13-07 NCR 591	S	Approve	01/21/99				
15A NCAC 24A .0101	12.22 NCR 1979		13-02 NCR 244	*	Approve	01/21/99			13.14 NCR 1167	
15A NCAC 24A .0102	12.22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 24A .0302	12.22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 24A .0402	12.22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 24A .0403	12.22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 24A .0404	12.22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98			13.14 NCR 1167	
Medical Assistance										
10 NCAC 26B .0103	12.18 NCR 1694		13-01 NCR 5	*	Approve	10/22/98	*		13.14 NCR 1167	
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								
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10 NCAC 26H .0213		12.13 NCR 733								
10 NCAC 26H .0213		11.26 NCR 1997								
10 NCAC 26H .0213		12.09 NCR 827								
10 NCAC 26H .0304		13.08 NCR 733								
10 NCAC 26H .0401		13.03 NCR 316	13.08 NCR 668	S/L	Object	12/17/98				
10 NCAC 26H .0401		12.14 NCR 1341	12.21 NCR 1875	S/L	Approve	01/21/99	*			
10 NCAC 26H .0401		13.02 NCR 248	13.12 NCR 947	*	Approve	07/23/98			13.09 NCR 779	
10 NCAC 26H .0101			13.07 NCR 588	*						
10 NCAC 26K .0106										
10 NCAC 26K .0106			12.21 NCR 1875	*						
10 NCAC 26M .0201			13.01 NCR 5	*	Approve	12/17/98	*		13.17 NCR 1381	Ext. Com. Period 13-05 NCR 435
10 NCAC 26M .0202			13.01 NCR 5	*	Approve	12/17/98	*		13.17 NCR 1381	Ext. Com. Period 13-05 NCR 435
10 NCAC 26M .0203										
10 NCAC 26M .0203			13.01 NCR 5	*	Approve	12/17/98	*		13.17 NCR 1381	Ext. Com. Period 13-05 NCR 435
10 NCAC 26M .0204			13.01 NCR 5	*						
10 NCAC 26M .0305			13.07 NCR 588	*	Approve	12/17/98	*		13.17 NCR 1381	Ext. Com. Period 13-05 NCR 435
10 NCAC 50A .0604			12.21 NCR 1875	*						
10 NCAC 50B .0202			12.21 NCR 1875	*						
10 NCAC 50B .0302			13.10 NCR 806	*						
10 NCAC 50B .0311										
10 NCAC 50B .0313			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	06/18/98	*		13.09 NCR 779	

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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	*	Approve	01/21/99				
10 NCAC 14V .4302	12-19 NCR 1762		13-07 NCR 586	*	Object	01/21/99				
10 NCAC 14V .4303	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99				
10 NCAC 14V .4304	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99				
10 NCAC 14V .4305	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99				
10 NCAC 14V .4306	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99				
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	*	Approve	12/17/98	*		13-17 NCR 1381	
10 NCAC 14V .7006		12-01 NCR 31	12-07 NCR 511	*						
10 NCAC 14V .7201	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7202	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7203	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7204	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7205	13-05 NCR 436		13-13 NCR 1042	*						
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	*		13-14 NCR 1167	
<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			13-14 NCR 1167	
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				
10 NCAC 41E .0401	12-11 NCR 919		13-05 NCR 438	*	Approve	07/23/98	*		13-09 NCR 779	



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10 NCAC 41E .0403	12.11 NCR 919		13.11 NCR 857	*						
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			13.11 NCR 857	*						
10 NCAC 41E .0404	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0405	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0406	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0501	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0502	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0503	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0504	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0505	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0506	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0507	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0508	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0509	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0510	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0511	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0512	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0513	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0514	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0515	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41E .0516	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0517	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41E .0518	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0601	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0602	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0603	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0604	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0605	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0606	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0701	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0702	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0703	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0704	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41F .0707		12.11 NCR 938	13.11 NCR 857	*						
10 NCAC 41F .0813		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41G .0501	12.11 NCR 919		12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41G .0502	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41G .0504	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41G .0505	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41G .0506	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41G .0507	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41G .0508	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41G .0509	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41G .0510	12.11 NCR 919		13.11 NCR 857	*						

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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	*						
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	*						



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10 NCAC 41G .0806	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0807	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0808	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0809	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0902	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1001	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1002	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1004	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1005	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1006	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1007	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1008	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1009	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1010	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1011	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1012	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1013	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1101	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1102	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1103	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .1104	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
			13.11 NCR 857	*						

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10 NCAC 41G 1105	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1106	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1201	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1202	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1203	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1204	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1205	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1206	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1207	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1208	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1301	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1302	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1303	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1304	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1305	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1306	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1307	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1308	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1309	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41G 1402	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 411.0100	10.17 NCR 2228									
10 NCAC 411.0102	10.17 NCR 2228		10:21 NCR 2687	*						

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10 NCAC 41R .0101	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0102	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0103	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0104	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0105	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0106	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41R .0107	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0101	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0102	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0201	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0202	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0203	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0204	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0301	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0302	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0303	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0304	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0305	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0306	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0307	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0401	12.11 NCR 919		13:05 NCR 438	*						
13:11 NCR 857			13:11 NCR 857	*						
10 NCAC 41S .0402	12.11 NCR 919		13:05 NCR 438	*						



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10 NCAC 41S .0611	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0612	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0613	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0614	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0615	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0701	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0702	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0703	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0704	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0705	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0706	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0707	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0708	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0709	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0710	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0711	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0712	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0713	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0101	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0102	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0103	12.11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0104	12.11 NCR 919		13:11 NCR 857	*						

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10 NCAC 41T .0105	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0106	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0201	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0202	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0203	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0204	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0205	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41T .0206	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 42C .2301	12.22 NCR 1979		13.05 NCR 438	*	Approve	11/19/98	*		13.16 NCR 1265	
10 NCAC 42C .3401		12.13 NCR 1180	13.02 NCR 200	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 42C .3403		12.13 NCR 1180	13.02 NCR 200	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 42C .3404		12.13 NCR 1180	13.02 NCR 200	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 42C .3601		12.13 NCR 1180	13.02 NCR 200	*	Approve	10/22/98			13.14 NCR 1167	
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			13.14 NCR 1167	
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				
					Approve	06/18/98	*		13.03 NCR 334	
10 NCAC 47B .0303		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98			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	11/19/98	*		13.16 NCR 1265	

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10 NCAC 20B .0224		13:17 NCR 1379								
10 NCAC 20B .0228		13:17 NCR 1379								
10 NCAC 20C .0125	12:24 NCR 2202		13:06 NCR 547	S	Approve	11/19/98	*			
10 NCAC 20C .0206	12:24 NCR 2202		13:06 NCR 547	S	Object	11/19/98				
					Approve	12/17/98	*		13:17 NCR 1381	
<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	*	Approve	12/17/98			13:17 NCR 1381	
11 NCAC 12 .0841	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*		13:17 NCR 1381	
11 NCAC 12 .0842	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*		13:17 NCR 1381	
11 NCAC 12 .1003	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12 .1025	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12 .1026	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12 .1212	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 13	12:09 NCR 744									
11 NCAC 14	12:09 NCR 744									
11 NCAC 15	12:09 NCR 744									
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 08 .0912	13:01 NCR 2		13:05 NCR 488	*	Object	11/19/98	*		13:17 NCR 1381	
					Approve	12/17/98				
<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	*	Approve	11/19/98	*		13:16 NCR 1265	
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*	Approve	11/19/98			13:16 NCR 1265	

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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	*	Agcy withdrew	10/22/98				
12 NCAC 11 .0503	11.30 NCR 2300		12.20 NCR 1823	*	Object	09/17/98	*		13.14 NCR 1167	
12 NCAC 11 .0504	11.30 NCR 2300		12.20 NCR 1823	*	Approve	10/22/98			13.11 NCR 912	
12 NCAC 11 .0505	11.30 NCR 2300		12.20 NCR 1823	*	Approve	09/17/98				
12 NCAC 11 .0506	11.30 NCR 2300		12.20 NCR 1823	*	Object	09/17/98	*		13.14 NCR 1167	
12 NCAC 11 .0507	11.30 NCR 2300		12.20 NCR 1823	*	Approve	10/22/98	*		13.14 NCR 1167	
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			13.14 NCR 1167	
12 NCAC 09A .0103	12.21 NCR 1873		13-01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0101	12.21 NCR 1873		13-01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0107	13.14 NCR 1110									
12 NCAC 09B .0109	13.14 NCR 1110									
12 NCAC 09B .0110	13.14 NCR 1110									
12 NCAC 09B .0112	13.14 NCR 1110									
12 NCAC 09B .0113	13.14 NCR 1110									
12 NCAC 09B .0115	13.14 NCR 1110									
12 NCAC 09B .0201	13.14 NCR 1110									
12 NCAC 09B .0202	13.14 NCR 1110									
12 NCAC 09B .0203	13.14 NCR 1110									
12 NCAC 09B .0204	13.14 NCR 1110									
12 NCAC 09B .0205	13.14 NCR 1110									
12 NCAC 09B .0205	N/A		N/A	N/A	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09B .0206	13.14 NCR 1110									
12 NCAC 09B .0207	13.14 NCR 1110									
12 NCAC 09B .0208	13.14 NCR 1110									
12 NCAC 09B .0209	N/A		N/A	N/A	Approve	10/22/98			13.14 NCR 1167	

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12 NCAC 09B .0210	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0210	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0211	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0211	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0212	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0212	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0213	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0213	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0214	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0214	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0215	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0218	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0219	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0220	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0221	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0222	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B .0226	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0226	13 14 NCR 1110									
12 NCAC 09B .0227	13 14 NCR 1110									
12 NCAC 09B .0227	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0228	13 14 NCR 1110									
12 NCAC 09B .0232	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0232	13 14 NCR 1110									
12 NCAC 09B .0233	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B .0233	13 14 NCR 1110									
12 NCAC 09B .0301	12 21 NCR 1873		13 01 NCR 6	*	Object Object Approve	10/22/98 11/19/98 12/17/98	*		13 17 NCR 1381	
12 NCAC 09B .0302	13 14 NCR 1110									
12 NCAC 09B .0303	13 14 NCR 1110									



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12 NCAC 09B .0304	13.14 NCR 1110									
12 NCAC 09B .0305	13.14 NCR 1110									
12 NCAC 09B .0309	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09B .0310	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0311	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09B .0312	13.14 NCR 1110									
12 NCAC 09B .0403	13.14 NCR 1110									
12 NCAC 09B .0404	13.14 NCR 1110									
12 NCAC 09B .0404	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09B .0405	13.14 NCR 1110									
12 NCAC 09B .0406	13.14 NCR 1110									
12 NCAC 09B .0407	13.14 NCR 1110									
12 NCAC 09B .0408	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0409	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0414	13.14 NCR 1110									
12 NCAC 09B .0414	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09B .0415	13.14 NCR 1110									
12 NCAC 09B .0416	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09B .0603										
12 NCAC 09B .0603	N/A		N/A	N/A	Approve	11/19/98			13.16 NCR 1265	
12 NCAC 09C .0211	13.14 NCR 1110									
12 NCAC 09C .0212	13.14 NCR 1110									
12 NCAC 09C .0213	13.14 NCR 1110									
12 NCAC 09C .0308	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*		13.14 NCR 1167	
12 NCAC 09C .0403	13.14 NCR 1110									
12 NCAC 09C .0601	N/A									
12 NCAC 09E .0105	N/A		N/A	N/A	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09E .0106	N/A		N/A	N/A	Approve	10/22/98			13.14 NCR 1167	
12 NCAC 09E .0107	13.14 NCR 1110									

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12 NCAC 09F .0107	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
<b>Private Protective Services Board</b>										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98	*		13:03 NCR 334	
12 NCAC 07D .0800	13:14 NCR 1110				Approve	06/18/98				
12 NCAC 07D 1106	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98	*		13:03 NCR 334	
12 NCAC 07D 1201	11:10 NCR 818		12:14 NCR 1263	*	Approve	06/18/98				
12 NCAC 07D 1202	11:10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1301	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1302	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1303	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1304	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1305	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1306	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1307	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B .0103	13:14 NCR 1110									
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 .0502	13:14 NCR 1110									
12 NCAC 10B .0505	13:14 NCR 1110									
12 NCAC 10B .0506	13:14 NCR 1110									
12 NCAC 10B .0507	13:14 NCR 1110									
12 NCAC 10B .0508	13:14 NCR 1110									
12 NCAC 10B .0509	13:14 NCR 1110									
12 NCAC 10B .0601	13:14 NCR 1110									
12 NCAC 10B .0606	13:14 NCR 1110									
12 NCAC 10B .0607	13:14 NCR 1110									
12 NCAC 10B .0703	13:14 NCR 1110									
12 NCAC 10B .0908	13:14 NCR 1110									

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12 NCAC 10B .1002	13:14 NCR 1110									
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							
12 NCAC 10B .1400	13:14 NCR 1110									
<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>										
13 NCAC 19 .0101	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0102	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0201	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0301	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0302	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0401	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 .0402	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 .0501	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 .0502	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0601	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0602	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0603	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 .0604	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 .0605	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	



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13 NCAC 19 .0701	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 .0702	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
<b>Wage and Hour Division</b>										
13 NCAC 12 .0101	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0104	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0303	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0304	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0305	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0306	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0307	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0308	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0309	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0310	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0502	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0602	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0603	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0604	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0605	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0701	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0702	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
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	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0804	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0805	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0806	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0807	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	

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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								
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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	*						
		Temp Expired								
21 NCAC 32F .0103		12-14 NCR 1354	12-21 NCR 1881	*						
			13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32H .0402		12-04 NCR 314								
21 NCAC 32M .0101	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0102	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0103	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0104	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0105	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0106	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0107	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0108	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0109	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98	*		13-17 NCR 1381	
21 NCAC 32M .0110	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0111	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0112	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32M .0115	12-19 NCR 1765		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	
21 NCAC 32O .0101	11-18 NCR 1369		13-08 NCR 709	*	Approve	12/17/98			13-17 NCR 1381	

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21 NCAC 320 .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0114	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0118	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0119	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0120	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0121	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32R .0101	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32R .0102	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32R .0103	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32R .0104	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0101	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	



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21 NCAC 32S .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0108	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0114	11:18 NCR 1369		13:08 NCR 709	*	Agcy withdrew	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0118	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
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21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
<b>MUNICIPAL INCORPORATIONS PETITION</b>										
Town of St. James - Brunswick County										13:14 NCR 1101
Town of Rimertown - Cabarrus County										13:14 NCR 1101
Town of Hampstead - Pender County										13:14 NCR 1101
Town of Holiday Island - Perquimans County										13:14 NCR 1101
Town of Bermuda Run - Davie County										13:14 NCR 1101
Town of Mineral Springs - Union County										13:14 NCR 1101
<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0227	12:05 NCR 338		13:08 NCR 725	*	Approve	12/17/98	*		13:17 NCR 1381	
<b>OPTICIANS, BOARD OF</b>										
21 NCAC 40 .0108		12:07 NCR 557								
<b>PHARMACY, BOARD OF</b>										
21 NCAC 46 .1317	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98	*		13:17 NCR 1381	

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21 NCAC 46 .1414	12:24 NCR 2203		13:06 NCR 559	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 46 .1601	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1606	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98			13:17 NCR 1381	
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	*	Object	11/19/98				
21 NCAC 46 .1703	12:24 NCR 2203		13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 46 .1706	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1809	12:24 NCR 2203		12:09 NCR 797	*	State Budget	03/20/98				
21 NCAC 46 .1814	13:01 NCR 3		13:02 NCR 246	SE	Object	12/17/98				
21 NCAC 46 .1815			13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .2103		13:11 NCR 910	13:06 NCR 559	*	Approve	12/17/98	*		13:17 NCR 1381	
			12:07 NCR 527	*						
			12:09 NCR 797	*						
			12:07 NCR 527	*						
			12:09 NCR 797	*						
			13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	
			13:04 NCR 419	*	Object	12/17/98				
			13:04 NCR 419	*	Approve	11/19/98			13:16 NCR 1265	
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Approve	12/17/98	*		13:16 NCR 1265	
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	
			13:04 NCR 419	*	Object	11/19/98				
			13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	

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## PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF

21 NCAC 50 .0106 12:07 NCR 509  
21 NCAC 50 .0202 12:07 NCR 509

13:14 NCR 1100

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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

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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

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

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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		13.13 NCR 1050	*						
21 NCAC 54 .2705	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2706	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2801	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2802	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2803	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2804	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2805	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2806	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2807	12.05 NCR 338		13.13 NCR 1050	*						
<b>PUBLIC EDUCATION</b>										
16 NCAC 06B .0108		13.13 NCR 1061								
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	

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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	Approve	12/17/98	*		13-17 NCR 1381	
17 NCAC 03B .0102	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0103	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0104	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0106	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0108	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0109	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0110	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0111	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0112	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0113	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 03B .0114	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
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						

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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	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0303			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0305			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0401			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0402			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0501			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0505			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0506			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0508			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0610			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0901			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0902			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0903			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0907			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .0908			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .1001			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 04D .1003			13-05 NCR 496	S/SE	Approve	12/17/98			13-17 NCR 1381	
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						



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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	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 05B .1105	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13-17 NCR 1381	
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	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 05C .2004	N/A		13-09 NCR 760	N/A	Approve	12/17/98	*		13-17 NCR 1381	
17 NCAC 05C .2101	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 05C .2102	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .0104	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .0105	N/A		13-08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .0118	N/A		13-09 NCR 762	N/A	<b>Object</b>	12/17/98				
17 NCAC 06B .0606	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .3203	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
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	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .3207	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .3719	N/A	N/A	N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .3901	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .3904	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06B .4004	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 06C .0124	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .0104	N/A		13-09 NCR 767	N/A	Approve	12/17/98			13-17 NCR 1381	
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	Approve	12/17/98			13-17 NCR 1381	

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17 NCAC 07B .1301	N/A		13.09 NCR 767	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .1303	N/A		13.09 NCR 767	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .1602	N/A		13.09 NCR 767	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .1704	N/A	N/A	N/A	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .1801	N/A	N/A	N/A	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .1905	N/A		13.09 NCR 767	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .2101	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .2201	N/A	N/A	N/A	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .2212	N/A	N/A	N/A	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .2802	N/A		13.10 NCR 809	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .3201	N/A	N/A	N/A	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .3301	N/A		13.10 NCR 809	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .3302	N/A		13.10 NCR 809	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .3702	N/A		13.10 NCR 809	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5401	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5402	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5403	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5404	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5405	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5406	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5408	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5409	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5410	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5411	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5412	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5414	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5415	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5416	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	
17 NCAC 07B .5417	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13.17 NCR 1381	

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17 NCAC 07B .5418	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5419	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5420	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5421	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5422	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5423	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5424	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5428	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5429	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5430	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5431	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5432	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5433	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5434	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5435	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5438	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5440	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5442	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5443	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5444	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5447	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5448	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5449	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5450	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5451	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5452	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5453	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5454	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	
17 NCAC 07B .5455	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13-17 NCR 1381	



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17 NCAC 07B .5456	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5457	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5458	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5459	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5460	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5461	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5463	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 09I .0301	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A	Approve	06/18/98			13:03 NCR 334	13-03 NCR 262 13-14 NCR 1102
17 NCAC 09L .0302			12-17 NCR 1610	*						
Tax Review Board										
Tax Review Board										
<b>SECRETARY OF STATE</b>										
18 NCAC 06 .1212		13-14 NCR 1151								
18 NCAC 06 .1304		13-14 NCR 1151								
18 NCAC 06 .1502		13-14 NCR 1151								
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 .0101	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0201	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0301	13-09 NCR 759	13-14 NCR 1153								
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21 NCAC 64 .0303 11:23 NCR 1780

## STATE PERSONNEL COMMISSION

25 NCAC 01B .0354 13:05 NCR 436

25 NCAC 01B .0437 13:05 NCR 436

25 NCAC 01D .2516 11:13 NCR 1062

Temp Expired

25 NCAC 01D .2517 12:09 NCR 835

25 NCAC 01H .0602 13:05 NCR 436

25 NCAC 01H .0605 13:05 NCR 436

25 NCAC 01H .0606 13:05 NCR 436

25 NCAC 01J .0503 13:05 NCR 436

25 NCAC 01J .0512 13:05 NCR 436

25 NCAC 01J .0603 13:05 NCR 436

## SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68 .0305 12:09 NCR 745

12:11 NCR 944

12:15 NCR 1426

## TRANSPORTATION

### Highways, Division of

19A NCAC 02D .0406 12:22 NCR 1980

19A NCAC 02D .0415 12:18 NCR 1694

19A NCAC 02D .0415 13:08 NCR 626

19A NCAC 02D .0816 12:19 NCR 1764

19A NCAC 02E .0221 13:04 NCR 361

19A NCAC 02E .0222 13:04 NCR 361

### Motor Vehicles, Division of

19A NCAC 03I .0100 11:19 NCR 1413

19A NCAC 03I .0200 11:19 NCR 1413

19A NCAC 03I .0202 12:18 NCR 1695

19A NCAC 03I .0203 12:18 NCR 1695

13:09 NCR 773

13:09 NCR 773

11:19 NCR 1429

13:09 NCR 773

13:09 NCR 773

13:09 NCR 773

13:09 NCR 773

13:09 NCR 773

13:09 NCR 773

S/L

Object Approve

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13:02 NCR 249

Approve

11/19/98

13:16 NCR 1265

Approve

09/17/98

13:11 NCR 912

Object Approve

09/17/98

13:11 NCR 912

Approve

10/22/98

13:14 NCR 1167

Approve

08/20/98

13:10 NCR 817

Approve

08/20/98

13:10 NCR 817

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19A NCAC 031 .0207	13:16 NCR 1258									
19A NCAC 031 .0300	11:19 NCR 1413									
19A NCAC 031 .0301	13:16 NCR 1258									
19A NCAC 031 .0302	13:16 NCR 1258									
19A NCAC 031 .0307	13:16 NCR 1258									
19A NCAC 031 .0400	11:19 NCR 1413									
19A NCAC 031 .0401	13:16 NCR 1258									
19A NCAC 031 .0402	13:16 NCR 1258									
19A NCAC 031 .0500	11:19 NCR 1413									
19A NCAC 031 .0501	12:18 NCR 1695									
19A NCAC 031 .0501	13:16 NCR 1258		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	
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 .0601	13:16 NCR 1258									
19A NCAC 031 .0700	11:19 NCR 1413									
19A NCAC 031 .0701	13:16 NCR 1258									
19A NCAC 031 .0800	11:19 NCR 1413									
19A NCAC 031 .0804	13:16 NCR 1258									
<b>Rail Division</b>										
19A NCAC 06B .0401	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0404	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98	*		13:17 NCR 1381	
19A NCAC 06B .0405	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0409	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
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19A NCAC 06B .0412	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0413	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98	*		13:17 NCR 1381	
19A NCAC 06B .0414	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
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19A NCAC 06B .0418 12:22 NCR 1981

## VETERINARY MEDICAL BOARD

21 NCAC 66 .0207 12:23 NCR 2089

21 NCAC 66 .0208 12:23 NCR 2089

12/17/98

Approve

13:17 NCR 1381

13:06 NCR 557

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