

# ***NORTH CAROLINA REGISTER***

**VOLUME 22 • ISSUE 19 • Pages 1634 - 1733**

**April 1, 2008**

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## **Contact List for Rulemaking Questions or Concerns**

For 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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(919) 733-3462 FAX

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### **Fiscal Notes & Economic Analysis**

Office of State Budget and Management  
116 West Jones Street  
Raleigh, North Carolina 27603-8005  
(919) 807-4700  
(919) 733-0640 FAX

contact: William Crumbley, Economic Analyst      william.crumbley@ncmail.net      (919) 807-4740

### **Governor's Review**

Reuben Young      reuben.young@ncmail.net  
Legal Counsel to the Governor      (919) 733-5811  
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Raleigh, North Carolina 27603

### **Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee  
545 Legislative Office Building  
300 North Salisbury Street  
Raleigh, North Carolina 27611  
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Jeff Hudson, Staff Attorney      jeffreyh@ncleg.net

### **County and Municipality Government Questions or Notification**

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(919) 715-4000

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2008 – December 2008

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 <sup>th</sup> day from publication in the Register
22:13	01/02/08	12/06/07	01/17/08	03/03/08	03/20/08	05/01/08	05/13/08	09/28/08
22:14	01/15/08	12/19/07	01/30/08	03/17/08	03/20/08	05/01/08	05/13/08	10/11/08
22:15	02/01/08	01/10/08	02/16/08	04/01/08	04/21/08	06/01/08	01/2009	10/28/08
22:16	02/15/08	01/25/08	03/01/08	04/15/08	04/21/08	06/01/08	01/2009	11/11/08
22:17	03/03/08	02/11/08	03/18/08	05/02/08	05/20/08	07/01/08	01/2009	11/28/08
22:18	03/17/08	02/25/08	04/01/08	05/16/08	05/20/08	07/01/08	01/2009	12/12/08
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23:10	11/17/08	10/24/08	12/02/08	01/16/09	01/20/09	03/01/09	05/2010	08/14/09
23:11	12/01/08	11/05/08	12/16/08	01/30/09	02/20/09	04/01/09	05/2010	08/28/09
23:12	12/15/08	11/20/08	12/30/08	02/13/09	02/20/09	04/01/09	05/2010	09/11/09

## **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 after the first or fifteenth 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.

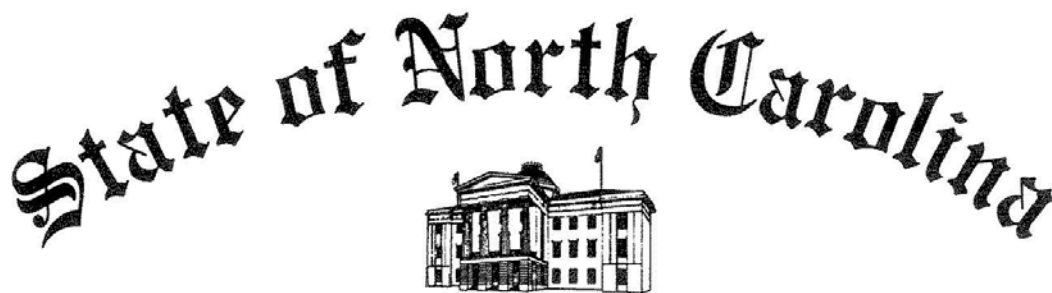
### **NOTICE OF TEXT**

**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**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed 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.



MICHAEL F. EASLEY  
GOVERNOR

EXECUTIVE ORDER NO. 137  
NORTH CAROLINA INTERAGENCY COUNCIL  
FOR COORDINATING HOMELESS PROGRAMS

**WHEREAS**, the problem of homelessness denies a segment of our population their basic need for adequate shelter; and,

**WHEREAS**, several State agencies offer programs and services for homeless persons; and,

**WHEREAS**, to combat the problem of homelessness most effectively, it is critical that these agencies coordinate program development and delivery of essential services.

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

Section 1.      Establishment

The North Carolina Interagency Council for Coordinating Homeless Programs is hereby established.

Section 2.      Membership

The Interagency Council shall consist of a chairperson appointed by the Governor and 28 additional members who shall be appointed by the Governor from the following public and private agencies and categories of qualifications:

- a.      One member from the Department of Administration.
- b.      One member from the North Carolina Housing Finance Agency.
- c.      One member from the Office of State Planning.
- d.      One member from the North Carolina Community College System.
- e.      One member from the Department of Correction.
- f.      One member from the Department of Juvenile Justice and Delinquency Prevention.

- g. One member from the Department of Commerce.
- h. Three members from the Department of Health and Human Services, one representing the Division of Mental Health, Developmental Disabilities and Substance Abuse Services and one representing the AIDS Care Unit, and one representing the Office of Economic Opportunity.
- i. One member from the State Board of Education or a member from the Department of Public Instruction.
- j. One county government official.
- k. One city government official.
- l. Six members from non-profit agencies concerned with housing issues and service provision to the homeless.
- m. One homeless or formerly homeless person.
- n. One member from the private sector.
- o. One member representing Public Housing Authorities.
- p. Three members of the North Carolina Senate.
- q. Three members of the North Carolina House of Representatives.

Section 3.     Chair and Terms of Membership

Each appointment shall be for a term of three (3) years.

Section 4.     Meetings

The Interagency Council shall meet quarterly and at other times at the call of the Chairperson or upon written request of at least five (5) of its members.

Section 5.     Functions

- a. The Interagency Council shall advise the Governor and Secretary of the Department of Health and Human Services on issues related to the problems of persons who are homeless or at risk of becoming homeless, identify and secure available resources throughout the State and nation and provide recommendations for joint and cooperative efforts and policy initiatives in carrying out programs to meet the needs of the homeless.
- b. The Interagency Council shall set short-term and long-term goals and determine yearly priorities.
- c. The Interagency Council shall submit an annual report to the Governor, by November 1, on its accomplishments and the status of homelessness in North Carolina.

Section 6.     Expenses

Council administrative costs, special function expenses and the cost of member per diem, travel and subsistence expenses shall be paid from state funds appropriated to the Department of Health and Human Services.

Section 7.     Staff Assistance

The Department of Health and Human Services shall provide administrative and staff support services required by the Interagency Council.

Section 8.     Effective Date

Executive Order 56 and as amended by Executive Order 104 is hereby rescinded.


This order is effective immediately.

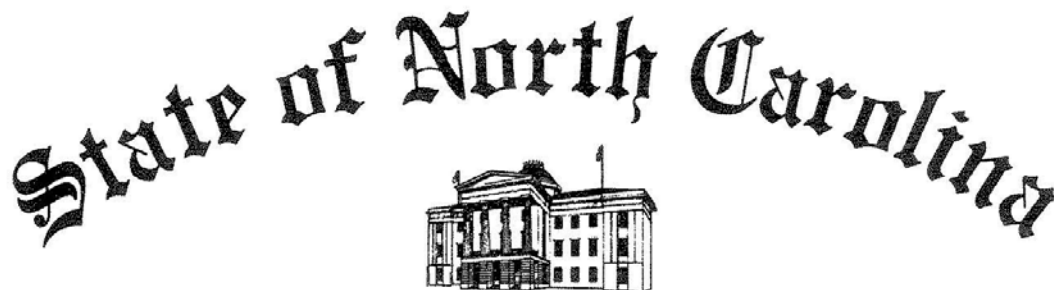
**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-sixth day of February in the year of our Lord two thousand and eight, and of the Independence of the United States of America the two hundred and thirty-second.



  
\_\_\_\_\_  
Michael F. Easley  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State



MICHAEL F. EASLEY  
GOVERNOR

EXECUTIVE ORDER NO. 138  
AMENDING EXECUTIVE ORDER NO. 84 REGARDING  
THE NORTH CAROLINA EMERGENCY RESPONSE COMMISSION

By the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED THAT:**

Executive Order No. 84, North Carolina Emergency Response Commission, issued by Michael F. Easley on September 7, 2005, is hereby amended to reflect the expansion of the following duties under Section 2.

- a. The Commission will act in an advisory capacity to the State Administrative Agent (SAA), as designated by the Governor, to provide input regarding the activities of the North Carolina State Homeland Security Program (SHSP) and the Domestic Preparedness and Readiness Regions (DPRR). Specifically the Commission will:
  1. Review the State Homeland Security Strategy (SHSS) to insure it is aligned with Local, State and Federal priorities as required by the U.S. Department of Homeland Security (DHS), and that its goals and objectives are being met in accordance with program intent.
  2. Review U.S. Department of Homeland Security Grant Program (HSGP) applications and allocations for State and Regional homeland security-related projects.
  3. Review plans for preventing, preparing, responding, and recovering from acts of terrorism and all hazards, man-made, or natural.
- b. The Commission will act in an advisory capacity to provide coordinated stakeholder input to the Secretary of the Department of Crime Control and Public Safety and the Division of Emergency Management in the preparation, implementation, evaluation, and revision of the North Carolina emergency management program.

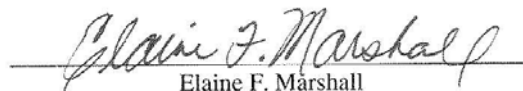


**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-seventh day of February in the year of our Lord two thousand and eight, and of the Independence of the United States of America the two hundred and thirty-second.



  
\_\_\_\_\_  
Michael F. Easley  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

## TITLE 11 – DEPARTMENT OF INSURANCE

## CHAPTER 19 - MARKET CONDUCT DIVISION

*Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Department of Insurance intends to adopt the rule cited as 11 NCAC 19 .0108 and amend the rules cited as 11 NCAC 19 .0102 - .0106; 20 .0304, .0409, .0510.*

**Proposed Effective Date:** August 1, 2008

**Public Hearing:**

**Date:** April 18, 2008

**Time:** 10:00 a.m.

**Location:** 3<sup>rd</sup> Floor Hearing Room, Dobbs Building, 430 N. Salisbury Street, Raleigh, NC

**Reason for Proposed Action:** *Statutory requirements require change in record retention period from three years to five years; and clarifying technical corrections.*

**Procedure by which a person can object to the agency on a proposed rule:** *The Department of Insurance will accept written objections to these rules until the expiration of the comment period on June 2, 2008.*

**Comments may be submitted to:** Ellen K. Sprenkel, 1201 Mail Service Center, Raleigh, NC 27699-1201, phone (919) 733-4529, fax (919) 733-6495, email [esprenkel@ncdoi.net](mailto:esprenkel@ncdoi.net)

**Comment period ends:** June 2, 2008

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

**Fiscal Impact:**

- ☐ State  
☐ Local  
☐ Substantive (≥\$3,000,000)  
☒ None

### SECTION .0100 - GENERAL PROVISIONS

#### 11 NCAC 19 .0102 MAINTENANCE OF RECORDS

(a) Every insurer licensed to do business in this State shall maintain for ~~not less than three~~ at least five years all records, books, documents, and other business records that are required by this Chapter and by ~~G.S. 58-58~~ Chapter 58 of the North Carolina General Statutes. ~~This data shall be maintained in such an order that information can be readily ascertained by the Department upon a market conduct examination.~~

(b) Every agency, agent, broker, or producer of record shall maintain a file for each policy sold, and the file shall contain all work papers and written communications in his or her possession pertaining to the policy documented therein. These records shall be retained for ~~not less than three~~ at least five years.

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-185; 58-2-190; 58-2-195; 58-2-200; 58-7-50; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 48-41-15; 58-41-20; 58-41-25; 58-47-100; 58-48-65; 58-49-55; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-100.*

#### 11 NCAC 19 .0103 COMPLAINT RECORDS

Each insurer or its agents shall maintain or cause to be maintained an itemization register or log of all written complaints listing the ~~Department~~ Department's file number, the name of the insured, the nature of the complaint, the ~~Department~~ insurer's department subject to the complaint, the policy or claim number of the insured, and the disposition of the complaint. ~~This record~~ These records shall be retained for at least ~~three~~ five years.

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-7-50; 58-20-30; 58-21-40; 58-36-85(1); 58-47-100; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-39-70; 58-48-65; 58-49-55; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-100.*

#### 11 NCAC 19 .0104 POLICY RECORDS

Each insurer or its agents shall maintain or cause to be maintained a record of all policies ~~so as to show clearly that~~ specifies the policy period, basis for rating, and if terminated, documentation supporting policy termination by the insurer or policyholder, and accounting records indicating return premium amounts. These records shall be retained for at least ~~three~~ five years.

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-190; 58-2-195; 58-7-50; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 58-47-100; 58-48-65; 58-49-55; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-100.*

#### **11 NCAC 19 .0105 CLAIM RECORDS**

Each insurer or its agents shall maintain or cause to be maintained a record of all claim reports ~~so as to show clearly that specifies~~ the inception, handling, and disposition of each claim. These records shall be retained for at least ~~three-five~~ years.

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-190; 58-2-195; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 58-48-65; 58-47-100; 58-49-55; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-100.*

#### **11 NCAC 19 .0106 RECORDS REQUIRED FOR EXAMINATION**

(a) ~~Market conduct examinations of property and casualty insurers generally include review of liability insurers: insurers being examined by the Department shall provide examiners access to information about the following areas of operation:~~

- (1) Company overview: history and profile, company operations and management, and certificates of authority;
- (2) Policyholder treatment: consumer complaints;
- (3) Marketing: policy forms and filings, sales and advertising, agency management;
- (4) Underwriting and rating practices: personal lines and commercial lines; all terminations (cancellations and nonrenewals) and declinations or rejections;
- (5) Claims practices: organization and procedures, closed with payment, closed without payment, total loss settlements (salvage), subrogation, and litigation.

(b) ~~Market conduct examinations of life and health insurers generally include review of insurers: insurers being examined by the Department shall provide examiners access to information about the following areas of operation:~~

- (1) Company overview: history and profile, company operations and management, and certificates of authority;
- (2) Policyholder treatment: consumer complaints, nonforfeiture benefits (policy loans, cash surrenders, extended term and reduced paid-up);
- (3) Marketing: policy forms and filings, sales and advertising, and agency management;
- (4) Underwriting and rating practices: life (individual and group), health (individual and group), annuities (individual and group); declinations (individual and group); annuity suitability questionnaires;

- (5) Claims practices: life (individual and group), health (individual and group) annuities (individual and group).

(c) Market conduct examinations of full service and single service health maintenance organizations (HMOs) and single service HMOs generally include review of organizations: health maintenance organizations being examined by the Department shall provide examiners access to information about the following areas of operation:

- (1) Company overview: articles of incorporation, bylaws, history and profile, company operations and management, risk management policies, and data protection plan;
- (2) Provider delivery systems: provider manual, provider contracting policies and procedures, provider directories, and availability and accessibility standards and monitoring reports related to these standards;
- (3) Management agreements: management agreements, intermediary contracts, intermediary certifications, and provider agreements;
- (4) Utilization management: utilization management plan, utilization management policies and procedures, annual utilization management certifications, utilization management monthly telephone reports, precertification records, and appeals of noncertification records;
- (5) Quality management: quality management plan, quality management policies and procedures, quality management committee minutes, quality of care complaints, and quality management annual program evaluation;
- (6) Provider credentialing: credentialing plan, credentialing policies and procedures, and credential files;
- (7) Claims practices: policies and procedures, reports of processed and denied claims, claims records;
- (8) Policyholder treatment: member services' policies and procedures, member services complaint logs, member complaint records, member services monthly telephone reports, late enrollment guidelines, and member materials;
- (9) Marketing: agent and broker files, agent appointment and termination listings, marketing training materials, sales and advertising materials, and policy forms and filings;
- (10) Underwriting and rating practices: underwriting manual, annual rate filings, overview of rate development for each filed methodology, and underwriting files;
- (11) Oversight of delegated functions: oversight committee activity, oversight monitoring tools, and audits.

(d) ~~Market conduct examinations of managed care health insurers other than health maintenance organizations generally include review of some or all of plans: managed care plans being examined by the Department shall provide examiners access to information about the areas of operation referenced addressed in Paragraphs (b) and (c) of this Rule.~~

(e) ~~Specific If the Department requests specific records relative to these the areas of operations referenced in Paragraphs (a), (b), (c), and (d) of this Rule will usually be requested by prior written notification or in a pre-examination conference. These conference, the records shall be made available to the examinations staff when the staff arrives at the insurer's office, office, or shall be sent to the Department if requested.~~

(f) Additional records shall be made available by the insurer on the date of arrival if the Department has requested that those records be made available for the examination. Additional records, not previously requested, may be required during and after an examination. ~~Appropriate work space~~ Work space that will accommodate the exam team and equipment shall be provided by the insurer to the examiners to expedite the examiners' review of the records.

(g) ~~During a market conduct examination, each insurer shall respond to all formal requests from a department examiner for additional data. The insurer shall sign and date the data request and return it to the examiner in charge with any applicable documentation. The data shall be accurate, all inclusive, and in the format requested to facilitate the review process.~~

(h)(g) ~~Records of business that are encompassed by Information about the areas of operation referenced in Paragraphs (a), (b), (c), and (d) of this Rule shall be maintained by every insurer for not less than three at least five years.~~

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-190; 58-2-195; 58-7-50; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 58-47-100; 58-48-65; 58-49-55; 58-50-56; 58-50-61; 58-50-62; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-10; 58-67-11; 58-67-100.*

#### **11 NCAC 19 .0108 DEFINITIONS**

As used in this Chapter:

- (1) Examination is defined in G.S. 58-2-131(b)(3).
- (2) Examiner is defined in G.S. 58-2-131(b)(4).
- (3) Health maintenance organization is defined in G.S. 58-67-5(f).
- (4) Insurer includes a health maintenance organization, service corporation, and a multiple employer welfare arrangement.
- (5) Managed care plan is defined in G.S. 58-50-61(a)(11).
- (6) Provider is defined in G.S. 58-67-5(h).

*Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-190; 58-2-195; 58-7-50; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 58-47-100; 58-48-65; 58-49-55; 58-50-56; 58-50-61; 58-50-62; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-10; 58-67-11; 58-67-100.*

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## **CHAPTER 20 - MANAGED CARE HEALTH BENEFIT PLANS**

### **SECTION .0300 - PROVIDER ACCESSIBILITY AND AVAILABILITY**

#### **11 NCAC 20 .0304 MONITORING ACTIVITIES**

Each carrier shall, by means of site visits or review of information gathered by the carrier, monitor compliance with this Section and evaluate provider availability and accessibility at least annually to ensure that the needs of its members are met. ~~Supporting~~ The documentation of these activities shall be maintained by domestic carriers for a period of ~~three~~ five years or until the completion of the next ~~triennial~~ quintennial examination conducted by the Department, whichever is later. Foreign carriers shall maintain the documentation of these activities for a period of five years.

*Authority G.S. 58-2-40(1); 58-2-131; 58-50-55(b); 58-65-1; 58-65-25; 58-65-105; 58-65-140; 58-67-10; 58-67-20; 58-67-35; 58-67-65; 58-67-100; 58-67-140; 58-67-150.*

### **SECTION .0400 - NETWORK PROVIDER CREDENTIALS**

#### **11 NCAC 20 .0409 RECORDS AND EXAMINATIONS**

Each carrier shall maintain or cause to be maintained all records related to credential verification ~~in a manner that the carrier deems to be adequate~~ for a period of ~~three~~ five years or until the completion of the ~~triennial~~ next quintennial examination conducted by the Department, whichever is later.

*Authority G.S. 58-2-40(1); 58-2-131; 58-50-55(b); 58-65-1; 58-65-25; 58-65-105; 58-65-140; 58-67-5; 58-67-10; 58-67-20; 58-67-35; 58-67-65; 58-67-100; 58-67-140; 58-67-150.*

### **SECTION .0500 - HMO QUALITY MANAGEMENT PROGRAMS**

#### **11 NCAC 20 .0510 RECORDS AND EXAMINATIONS**

Each HMO shall maintain or cause to be maintained records of quality management plans, procedures, activities, studies, and operations. The records shall be accessible to the Commissioner and shall be retained for a period of ~~three~~ five years or until the completion of the next ~~triennial~~ quintennial examination conducted by the Department, whichever is ~~longer~~ later.

*Authority G.S. 58-2-40(1); 58-67-5; 58-67-10; 58-67-20; 58-67-35; 58-67-65; 58-67-100; 58-67-140; 58-67-150.*

## **TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02B .0225, .0303.*

**Proposed Effective Date:** September 1, 2008

**Public Hearing:**

**Date:** April, 22, 2008

**Time:** 6:00 p.m.

**Location:** Albert Carlton Cashiers Community Library, 249 Frank Allen Road, Cashiers, NC 28717

**Reason for Proposed Action:** *Proposed Reclassification of Horsepasture River. The Sierra Club requested that Horsepasture River (Jackson and Transylvania Counties) in the Savannah River Drainage Area be reclassified to Outstanding Resource Waters (ORW). The purpose of this rule change is to provide supplementary protection for the resources and quality of these waters. According to 2006 water quality studies, only the lower 4.6 miles of Horsepasture River in Transylvania County, which traverse from N.C. 281 (Bohaynee Road) to the NC-SC state line, and two tributaries (Trays Island Creek and Logan Creek) to the upper portion of the river in Jackson County, have excellent water quality. Additional data revealed that the lower segment of the river contains fish species carrying State designations ranging from species of concern and proposed as threatened to significantly rare species, and is contained within a natural heritage area (NHA) of state significance and within a nationally significant NHA. Furthermore, portions of the lower river segment carry state and federal designations of natural, wild, scenic, and/or recreational, and lands surrounding parts of it are contained within national forest, state park, and state gamelands. Therefore, based on water quality and existing resource values, this segment of the river and its tributaries qualify for the ORW designation. The upper portion of the river's watershed also contains important resource values. This area contains or is contained within eight NHAs of regional, state or local significance, and portions of this area are located in a national forest and a national gameland. This entire watershed is recognized for its exceptional State and national ecological significance via the above-mentioned species, NHAs, and national and state forest, park, and/or gamelands. Therefore, in addition to providing the ORW designation to the excellent water quality of the 4.6-mile segment of Horsepasture River and the tributaries draining to this segment, it is proposed that the ORW special protection measures, or management strategy, be implemented throughout the entire watershed. This proposal will provide a high level of protection of the excellent water quality in the 4.6-mile segment, Trays Island Creek, and Logan Creek, and the outstanding resource values found throughout the watershed. Thus, the 4.6-mile segment and tributaries draining to this segment are proposed to receive both the ORW classification and the ORW management strategy, and the remainder of the watershed is proposed to receive the ORW management strategy, as symbolized by the "+" classification, but not the ORW classification. This reclassification would include the entire river's watershed, meaning the entire main stem of Horsepasture River from its source to the North*

*Carolina-South Carolina state line plus all tributaries to the main stem. The upper portion of the river is classified Class C Tr (Trout), and is proposed to be reclassified as Class C Tr+. The lower portion of the river is classified as Class B Tr, and is proposed to be reclassified to Class B Tr ORW. The land along the subject waters exists solely within the jurisdiction of Transylvania and Jackson Counties. The area proposed for reclassification measures approximately 19,137 acres, and approximately 36 miles of named waterbodies are proposed to be reclassified. If reclassified, regulations that affect new development projects, new and expansions of wastewater dischargers, and new N.C. Department of Transportation (DOT) projects would apply. Forestry, non-livestock agricultural, and farming activities will not be affected. There is no known proposed development, and no plans for new or expanded discharges, that would be impacted by the proposal according to local government and Asheville Regional Office staff. NCDOT staff have determined that there is one planned DOT project in the subject area that would be impacted by the proposal, and this project would require additional stormwater control devices in order to meet the proposed reclassification's requirements.*

**Procedure by which a person can object to the agency on a proposed rule:** *You may attend the public hearing and make relevant verbal comments, and/or submit written comments, data or other relevant information by June 2, 2008. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. The EMC is very interested in all comments pertaining to the proposed reclassification. All persons interested and potentially affected by the proposal are strongly encouraged to read this entire notice and make comments on the proposed reclassification. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in this notice unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (see General Statute 150B 21.2 (g)). Written comments may be submitted to Elizabeth Kountis of the Water Quality Planning Section at the postal address, email address, or fax number listed in this notice.*

**Comments may be submitted to:** *Elizabeth Kountis, DENR/ Division of Water Quality, Planning Section, 1617 Mail Service Center, Raleigh, NC 27699-1617, phone (919) 733-5083 extension 369, fax (919) 715-5637, email elizabeth.kountis@ncmail.net*

**Comment period ends:** June 2, 2008

**Procedure for Subjecting a Proposed Rule to Legislative Review:** *If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the*

Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

**Fiscal Impact: A copy of the fiscal note can be obtained from the agency.**

- ☒ **State**  
☐ **Local**  
☐ **Substantive** (≥\$3,000,000)  
☐ **None**

## **CHAPTER 02 - ENVIRONMENTAL MANAGEMENT**

### **SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS**

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

##### **15A NCAC 02B .0225 OUTSTANDING RESOURCE WATERS**

(a) General. In addition to the existing classifications, the Commission may classify unique and special surface waters of the state as outstanding resource waters (ORW) upon finding that such waters are of exceptional state or national recreational or ecological significance and that the waters have exceptional water quality while meeting the following conditions:

- (1) that the water quality is rated as excellent based on physical, chemical or biological information;
- (2) the characteristics which make these waters unique and special may not be protected by the assigned narrative and numerical water quality standards.

(b) Outstanding Resource Values. In order to be classified as ORW, a water body must exhibit one or more of the following values or uses to demonstrate it is of exceptional state or national recreational or ecological significance:

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters or National Wildlife Refuge, which do not provide any water quality protection;
- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education.

(c) Quality Standards for ORW

(1) Freshwater: Water quality conditions shall be maintained to protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site specific basis during the proceedings to classify waters as ORW. No new discharges or expansions of existing discharges shall be permitted, and stormwater controls for all new development activities requiring an Erosion and Sedimentation Control Plan in accordance with rules established by the NC Sedimentation Control Commission or an appropriate local erosion and sedimentation control program shall be required to follow the stormwater provisions as specified in 15A NCAC 02H .1000. Specific stormwater requirements for ORW areas are described in 15A NCAC 02H .1007.

(2) Saltwater: Water quality conditions shall be maintained to protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site-specific basis during the proceedings to classify waters as ORW. New development shall comply with the stormwater provisions as specified in 15A NCAC 02H .1000. Specific stormwater management requirements for saltwater ORWs are described in 15A NCAC 02H .1007. New non-discharge permits shall meet reduced loading rates and increased buffer zones, to be determined on a case-by-case basis. No dredge or fill activities shall be allowed if those activities would result in a reduction of the beds of submerged aquatic vegetation or a reduction of shellfish producing habitat as defined in 15A NCAC 03I .0101(b)(20)(A) and (B), except for maintenance dredging, such as that required to maintain access to existing channels and facilities located within the designated areas or maintenance dredging for activities such as agriculture. A public hearing is mandatory for any proposed permits to discharge to waters classified as ORW.

Additional actions to protect resource values shall be considered on a site specific basis during the proceedings to classify waters as ORW and shall be specified in Paragraph (e) of this Rule. These actions may include anything within the powers of the Commission. The Commission shall also consider local actions which have been taken to protect a water body in determining the appropriate state protection options. Descriptions of boundaries of waters classified as ORW are included in Paragraph (e) of this Rule and in the Schedule of Classifications (15A NCAC 02B .0302 through 02B .0317) as specified for the appropriate river basin and shall also be described on maps maintained by the Division of Water Quality.

(d) Petition Process. Any person may petition the Commission to classify a surface water of the state as an ORW. The petition

shall identify the exceptional resource value to be protected, address how the water body meets the general criteria in Paragraph (a) of this Rule, and the suggested actions to protect the resource values. The Commission may request additional supporting information from the petitioner. The Commission or its designee shall initiate public proceedings to classify waters as ORW or shall inform the petitioner that the waters do not meet the criteria for ORW with an explanation of the basis for this decision. The petition shall be sent to:

Director

DENR/Division of Water Quality

1617 Mail Service Center

Raleigh, North Carolina 27699-1617

The envelope containing the petition shall clearly bear the notation: RULE-MAKING PETITION FOR ORW CLASSIFICATION.

(e) Listing of Waters Classified ORW with Specific Actions  
Waters classified as ORW with specific actions to protect exceptional resource values are listed as follows:

- (1) Roosevelt Natural Area [White Oak River Basin, Index Nos. 20-36-9.5-(1) and 20-36-9.5-(2)] including all fresh and saline waters within the property boundaries of the natural area shall have only new development which complies with the low density option in the stormwater rules as specified in 15A NCAC 02H .1005(2)(a) within 575 feet of the Roosevelt Natural Area (if the development site naturally drains to the Roosevelt Natural Area).
- (2) Chattooga River ORW Area (Little Tennessee River Basin and Savannah River Drainage Area): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section. However, expansions of existing discharges to these segments shall be allowed if there is no increase in pollutant loading:
  - (A) North and South Fowler Creeks;
  - (B) Green and Norton Mill Creeks;
  - (C) Cane Creek;
  - (D) Ammons Branch;
  - (E) Glade Creek; and
  - (F) Associated tributaries.
- (3) Henry Fork ORW Area (Catawba River Basin): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section:
  - (A) Ivy Creek;
  - (B) Rock Creek; and
  - (C) Associated tributaries.
- (4) South Fork New and New Rivers ORW Area [New River Basin (Index Nos. 10-1-33.5 and 10)]: the following management strategies, in

addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:

- (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply to land within one mile of and that drains to the designated ORW areas;
- (B) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW shall be permitted such that the following water quality standards are maintained in the ORW segment:
  - (i) the total volume of treated wastewater for all upstream discharges combined shall not exceed 50 percent of the total instream flow in the designated ORW under 7Q10 conditions, which are defined in Rule .0206(a)(1) of this Section;
  - (ii) a safety factor shall be applied to any chemical allocation such that the effluent limitation for a specific chemical constituent shall be the more stringent of either the limitation allocated under design conditions (pursuant to 15A NCAC 02B .0206) for the normal standard at the point of discharge, or the limitation allocated under design conditions for one-half the normal standard at the upstream border of the ORW segment;
  - (iii) a safety factor shall be applied to any discharge of complex wastewater (those containing or potentially containing toxicants) to protect for chronic toxicity in the ORW segment by setting the whole effluent toxicity limitation at the higher (more stringent) percentage effluent determined under design conditions (pursuant to 15A NCAC 02B .0206) for either the instream effluent concentration at the point of discharge or twice the effluent concentration

- calculated as if the discharge were at the upstream border of the ORW segment;
- (C) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW shall comply with the following:
- (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l, and NH<sub>3</sub>-N = 2 mg/l;
  - (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/l for trout waters and to 20 mg/l for all other waters;
  - (iii) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
  - (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, effluent limitations shall be set for phosphorus or nitrogen, or both.
- (5) Old Field Creek (New River Basin): the undesignated portion of Old Field Creek (from its source to Call Creek) shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section.
- (6) In the following designated waterbodies, no additional restrictions shall be placed on new or expanded marinas. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges. The Alligator River Area (Pasquotank River Basin) extending from the source of the Alligator River to the U.S. Highway 64 bridge including New Lake Fork, North West Fork Alligator River, Juniper Creek, Southwest Fork Alligator River, Scouts Bay, Gum Neck Creek, Georgia Bay, Winn Bay, Stumpy Creek Bay, Stumpy Creek, Swann Creek (Swann Creek Lake), Whipping Creek (Whipping Creek Lake), Grapevine Bay, Rattlesnake Bay, The Straits, The Frying Pan, Coopers Creek, Babbitt Bay, Goose Creek, Milltail Creek, Boat Bay, Sandy Ridge Gut (Sawyer Lake) and Second Creek, but excluding the Intracoastal Waterway (Pungo River-Alligator River Canal) and all other tributary streams and canals.
- (7) In the following designated waterbodies, the only type of new or expanded marina that shall be allowed shall be those marinas located in upland basin areas, or those with less than 10 slips, having no boats over 21 feet in length and no boats with heads. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges.
- (A) The Northeast Swanquarter Bay Area including all waters northeast of a line from a point at Lat. 35E 23N 51O and Long. 76E 21N 02O thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point.
  - (B) The Neuse-Southeast Pamlico Sound Area (Southeast Pamlico Sound Section of the Southeast Pamlico, Core and Back Sound Area); (Neuse River Basin) including all waters within an area defined by a line extending from the southern shore of Ocracoke Inlet northwest to the Tar-Pamlico River and Neuse River basin boundary, then southwest to Ship Point.
  - (C) The Core Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin), including all waters of Core Sound and its tributaries, but excluding Nelson Bay, Little Port Branch and Atlantic Harbor at its mouth, and those tributaries of Jarrett Bay that are closed to shellfishing.
  - (D) The Western Bogue Sound Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from Bogue Inlet to the mainland at SR 1117 to a line across Bogue Sound from the southwest side of Gales Creek to Rock Point, including Taylor Bay and the Intracoastal Waterway.
  - (E) The Stump Sound Area (Cape Fear River Basin) including all waters of Stump Sound and Alligator Bay from marker Number 17 to the western end of Permuda Island, but excluding Rogers Bay, the Kings Creek Restricted Area and Mill Creek.



- (F) The Topsail Sound and Middle Sound Area (Cape Fear River Basin) including all estuarine waters from New Topsail Inlet to Mason Inlet, including the Intracoastal Waterway and Howe Creek, but excluding Pages Creek and Futch Creek.
- (8) In the following designated waterbodies, no new or expanded NPDES permitted discharges and only new or expanded marinas with less than 10 slips, having no boats over 21 feet in length and no boats with heads shall be allowed:
  - (A) The Swanquarter Bay and Juniper Bay Area (Tar-Pamlico River Basin) including all waters within a line beginning at Juniper Bay Point and running south and then west below Great Island, then northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding all waters northeast of a line from a point at Lat. 35E 23N 51O and Long. 76E 21N 02O thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point and also excluding the Blowout Canal, Hydeland Canal, Juniper Canal and Quarter Canal.
  - (B) The Back Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin) including that area of Back Sound extending from Core Sound west along Shackleford Banks, then north to the western most point of Middle Marshes and along the northwest shore of Middle Marshes (to include all of Middle Marshes), then west to Rush Point on Harker's Island, and along the southern shore of Harker's Island back to Core Sound.
  - (C) The Bear Island Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from the western most point on Bear Island to the northeast mouth of Goose Creek on the mainland, east to the southwest mouth of Queen Creek, then south to green marker No. 49, then northeast to the northern most point on Huggins Island, then southeast along the shoreline of Huggins Island to the southeastern most point of Huggins Island, then south to the northeastern most point on Dudley Island, then southwest along the shoreline of Dudley Island to the eastern tip of Bear Island.
  - (D) The Masonboro Sound Area (Cape Fear River Basin) including all waters between the Barrier Islands and the mainland from Carolina Beach Inlet to Masonboro Inlet.
- (9) Black and South Rivers ORW Area (Cape Fear River Basin) [Index Nos. 18-68-(0.5), 18-68-(3.5), 18-68-(11.5), 18-68-12-(0.5), 18-68-12-(11.5), and 18-68-2]: the following management strategies, in addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:
  - (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply to land within one mile of and that drains to the designated ORW areas;
  - (B) New or expanded NPDES permitted wastewater discharges located one mile upstream of the stream segments designated ORW (upstream on the designated mainstem and upstream into direct tributaries to the designated mainstem) shall comply with the following discharge restrictions:
    - (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l and NH<sub>3</sub>-N = 2 mg/l;
    - (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 20 mg/l;
    - (iii) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
    - (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, effluent limitations shall be set for phosphorus or nitrogen, or both.
    - (v) Toxic substances: In cases where complex discharges (those containing or

- potentially containing toxicants) may be currently present in the discharge, a safety factor shall be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent shall be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity shall be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under flow design criteria (pursuant to 15A NCAC 02B .0206).
- (10) Lake Waccamaw ORW Area (Lumber River Basin) [Index No. 15-2]: all undesignated waterbodies that are tributary to Lake Waccamaw shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section.
- (11) Swift Creek and Sandy Creek ORW Area (Tar-Pamlico River Basin) [portion of Index No. 28-78-(0.5) and Index No. 28-78-1-(19)]: all undesignated waterbodies that drain to the designated waters shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section and to protect outstanding resource values found in the designated waters as well as in the undesignated waters that drain to the designated waters.
- (12) Fontana Lake North Shore ORW Area (Little Tennessee River Basin and Savannah River Drainage Area) [Index Nos. 2-96 through 2-164 (excluding all waterbodies that drain to the south shore of Fontana Lake) consists of the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks. In addition to the requirements specified in Subparagraph (c)(1) of this Rule, any person conducting development activity disturbing greater than or equal to 5,000 square feet of land area in the designated ORW area shall undertake the following actions to protect the outstanding resource values of the designated ORW and downstream waters:
- (A) investigate for the presence of and identify the composition of acid-producing rocks by exploratory drilling or other means and characterize the net neutralization potential of the acid-producing rocks prior to commencing the land-disturbing activity;
- (B) avoid areas to the maximum extent practical where acid-producing rocks are found with net neutralization potential of -5 or less;
- (C) establish background levels of acidity and mineralization prior to commencing land-disturbing activity, and monitor and maintain baseline water quality conditions for the duration of the land-disturbing activity and for any period thereafter not less than two years as determined by the Division as part of a certification issued in accordance with 15A NCAC 02H .0500 or stormwater permit issued pursuant to this Rule;
- (D) obtain a National Pollutant Discharge Elimination System permit for construction pursuant to Rule 15A NCAC 02H .0126 prior to initiating land-disturbing activity;
- (E) design stormwater control systems to control and treat stormwater runoff generated from all surfaces generated by one inch of rainfall in accordance with 15A NCAC 02H. 1008; and
- (F) replicate pre-development runoff characteristics and mimic the natural and unique hydrology of the site, post development.
- (13) Horsepasture River ORW Area (Savannah Drainage Area) [Index No. 4-13-(0.5) and Index No. 4-13-(12.5)]: all undesignated waterbodies that are located within the Horsepasture River watershed shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section and to protect outstanding resource values found throughout the watershed.

*Authority G.S. 143-214.1; S.L. 2005-97.*

### SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

#### 15A NCAC 02B .0303 LITTLE TENN RIVER BASIN AND SAVANNAH RIVER DRAINAGE AREA

(a) The Little Tenn River Basin and Savannah River Drainage Area Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) the Internet at <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
- (A) Asheville Regional Office

(B) 2090 US Highway 70  
Swannanoa, North Carolina  
Division of Water Quality  
Central Office  
512 North Salisbury Street  
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Georgia or Tennessee shall be classified "C Tr." Such streams in the Savannah River drainage area entering South Carolina shall be classified "B Tr."

(c) The Little Tennessee River Basin and Savannah River Drainage Area Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 16, 1977;
- (2) March 1, 1977;
- (3) July 13, 1980;
- (4) February 1, 1986;
- (5) October 1, 1987;
- (6) March 1, 1989;
- (7) January 1, 1990;
- (8) July 1, 1990;
- (9) August 1, 1990;
- (10) March 1, 1991;
- (11) August 3, 1992;
- (12) February 1, 1993;
- (13) August 1, 1994;
- (14) September 1, 1996;
- (15) August 1, 1998;
- (16) August 1, 2000;
- (17) April 1, 2003;
- (18) January 1, 2007;
- (19) November 1, ~~2007-2007~~;
- (20) September 1, 2008.

(d) The Schedule of Classifications of Water Quality Standards for the Little Tennessee Basin and Savannah River Drainage Area was amended effective March 1, 1989 as follows:

- (1) Nantahala River (Index No. 2-57) from source to the backwaters of Nantahala Lake and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW.
- (2) Chattooga River (Index No. 3) including Scotsman Creek, Overflow Creek, Big Creek, Talley Mill Creek and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW and Clear Creek and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective January 1, 1990 as follows:

- (1) North Fork Coweeta Creek (Index No. 2-10-4) and Falls Branch (Index No. 2-10-4-1) were reclassified from Class C to Class B.

- (2) Burningtown Creek (Index No. 2-38) was reclassified from C-trout to B-trout.

(f) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective July 1, 1990 by the reclassification of Alarka Creek (Index No. 2-69) from source to Upper Long Creek (Index No. 2-69-2) including all tributaries from Classes C and C Tr to Classes C HQW and C Tr HQW.

(g) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective March 1, 1991 as follows:

- (1) Cartoogechaye Creek [Index Nos. 2-19-(1) and 2-19-(16)] from Gibson Cove Branch to bridge at U.S. Hwy. 23 and 441 and from the bridge at U.S. Hwy. 23 and 441 to the Little Tennessee River was reclassified from Classes WS-III Tr and C Tr to Classes WS-III and B Tr and B Tr respectively.
- (2) Coweeta Creek (Index Nos. 2-10) from its source to the Little Tennessee River including all tributaries except Dryman Fork (Index No. 2-10-3) and North Fork Coweeta Creek (Index No. 2-10-4) was reclassified from Classes C and C Tr to Classes B and B Tr.

(h) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area 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.

(i) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area has been amended effective February 1, 1993 as follows:

- (1) Bearwallow Creek from its source to 2.3 miles upstream of the Toxaway River [Index No. 4-7-(1)] was revised to indicate the application of an additional management strategy (referencing 15A NCAC 02B .0201(d) to protect downstream waters; and
- (2) the Tuckaseegee River from its source to Tennessee Creek [Index No. 2-79-(0.5)] including all tributaries was reclassified from Classes WS-III&B Tr HQW, WS-III HQW and WS-III to Classes WS-III Tr ORW and WS-III ORW.

(j) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1994 with the

reclassification of Deep Creek [Index Nos. 2-79-63-(1) and 2-79-63-(16)] from its source to the Great Smokey Mountains National Park Boundary including tributaries from Classes C Tr, B Tr and C Tr HQW to Classes WS-II Tr and WS-II Tr CA.

(k) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective September 1, 1996 as follows:

- (1) Deep Creek from the Great Smoky Mountains National Park Boundary to the Tuckasegee River [Index no. 2-79-63-(21)] was reclassified from Class C Tr to Class B Tr; and
- (2) the Tuckasegee River from the West Fork Tuckasegee River to Savannah Creek and from Macks Town Branch to Cochran Branch [Index Nos. 2-79-(24), 2-79(29.5) and 2-79-(38)] was reclassified from Classes WS-III Tr, WS-III Tr CA and C to Classes WS-III&B Tr, WS-III&B Tr CA and B.

(l) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1998 with the reclassifications of Thorpe Reservoir (Lake Glenville), Hurricane Creek, and Laurel Branch [Index Nos. 2-79-23-(1), 2-79-23-2, and 2-79-23-2-1 respectively] from classes WS-III&B, WS-III Tr and WS-III to classes WS-III&B HQW, WS-III Tr HQW, and WS-III HQW.

(m) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended August 1, 2000 with the reclassification of Wesser Creek [Index No. 2-79-52-5-1] from its source to Williams Branch from Class C to Class C Tr.

(n) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended April 1, 2003 with the reclassification of a portion of the Little Tennessee River [Index No. 2-(1)] from a point 0.4 mile upstream of N.C. Highway 28 to Nantahala River Arm of Fontana Lake from Class C to Class B.

(o) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah

River Drainage Area was amended January 1, 2007 with the reclassification of the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks, [Index Nos. 2-96 through 2-164 (excluding all waterbodies that drain to the south shore of Fontana Lake)] from Class B, C Tr, WS-IV Tr CA, WS-IV Tr, and WS-IV & B CA to Class B ORW, C Tr ORW, WS-IV Tr ORW CA, WS-IV Tr ORW, and WS-IV & B ORW CA, respectively. Additional site-specific management strategies are outlined in Rule 15A NCAC 02B .0225(e)(12).

(p) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective November 1, 2007 with the reclassification of Richland Balsam Seep near Beechflat Creek [Index No. 2-79-28-3-2] to Class WL UWL as defined in 15A NCAC 02B. 0101. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

(q) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended September 1, 2008 with the reclassification of the watershed of the lower portion of the Horsepasture River [Index Number 4-13-(12.5)] from N.C. 281 (Bohaynee Road) to the NC-SC state line from Class B Tr to Class B Tr ORW, and the watershed of the upper portion of the Horsepasture River [Index Number 4-13-(0.5)] from source to N.C. 281 (Bohaynee Road) to include only the ORW management strategy as represented by "+". The "+" symbol as used in this paragraph means that all undesignated waterbodies that are located within the watershed of the upper portion of Horsepasture River shall comply with Paragraph (c) of Rule .0225 of this Subchapter in order to protect the designated waters as per Rule .0203 of this Subchapter and to protect outstanding resource values found throughout the entire Horsepasture River watershed.

*Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); S.L. 2005-97.*

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day.

This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES**

**Rule-making Agency:** NC Gasoline and Oil Inspection Board

**Rule Citation:** 02 NCAC 42 .0201

**Effective Date:** March 14, 2008

**Date Approved by the Rules Review Commission:** March 6, 2008

**Reason for Action:** P.L. 110-140 establishes a mandatory renewable fuel standard that will require fuel producers to use at least 36 billion gallons of biofuel by 2022. In 2008, this is expected to increase demand for ethanol from 5.4 billion gallons to 9 billion gallons. In order to meet this demand in cost-effective manner and without disruption of fuel supplies, it will be necessary to blend large quantities of gasoline and ethanol. While the existing 02 NCAC 42 .0201 permits blending, it does not provide for variances from certain fuel specifications which may occur with ethanol blends. This serves as a disincentive for fuel suppliers to permit their products to be used in blending by distributors, and could lead to disruption of supplies with the increased demand for biofuel. The proposed amendments to this rule would facilitate ethanol blending by allowing variances from certain fuel specifications for fuel blends of up to ten percent ethanol. With the passage of P.L. 110-140, fuel producers and distributors are required to nearly double the use of biofuels, such as ethanol blends, in 2008. The existing 02 NCAC 42 .0201 is an impediment to meeting the biofuel mandate in North Carolina. Other states have already made changes in their fuel specification standards to facilitate ethanol blending. Any delays in doing so in North Carolina could disrupt fuel supplies, increase fuel costs for North Carolina consumers, and place North Carolina at an economic disadvantage to other states. The proposed change will not impose any additional requirements on any person or firm affected by the rule. It will allow for variances from fuel specifications while still ensuring that motor fuels meet or exceed performance standards.

**CHAPTER 42 - GASOLINE AND OIL INSPECTION  
BOARD**

**SECTION .0200 - QUALITY OF LIQUID FUEL  
PRODUCTS**

**02 NCAC 42 .0201 STANDARD SPECIFICATIONS**

(a) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D-4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as

standard specification for gasoline with the following modifications:

- (1) Applications for temporary exceptions to vapor pressure and vapor/liquid ratio specifications as provided in this Subparagraph may be made to the director. Said applications shall contain evidence satisfactory to the director that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the board at which time the board shall establish the duration of the exception;
- (2) The minimum lead content for gasoline registered or labeled as "leaded" or "regular" shall be as defined in Rule .0102 of this Chapter;
- (3) Vapor pressure and vapor/liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.

(b) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D-4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for alcohol blends with the following modifications:

- (1) A vapor pressure tolerance not exceeding one pound per square inch;
- (2) Vapor pressure ~~and vapor/liquid ratio~~ seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification;
- (3) Applications for temporary exceptions to vapor pressure ~~and vapor/liquid ratio~~ specifications as provided in this Subparagraph may be made to the director. Said applications shall contain evidence

satisfactory to the director that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the board at which time the board shall establish the duration of the exception;

- (4) The minimum temperature at 50 percent evaporated shall be ~~158 degrees F. (70 degrees C.)~~ 150 degrees F (66 degrees C) as determined by ASTM Test Method D-86;
- (5) The minimum lead content for gasoline/oxygenate blends registered or labeled as "leaded" or "regular" shall be as defined in Rule .0102 of this Chapter;
- (6) Octane rating shall not be less than the octane index certified on the brand name registration as required by 2 NCAC 42 .0500;
- (7) All blends, both leaded and unleaded, shall be blended according to the EPA "Substantially Similar" rule or an EPA waiver for unleaded fuel;
- (8) Water tolerance shall be such that no phase separation occurs when subjected to a temperature equal to the temperatures specified in Table 4, ASTM ~~D-4814~~ D-4814;
- (9) The vapor/liquid ratio specification is waived for ethanol blends of up to 10 percent.

(c) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D-975, "Standard Specification for Diesel Fuel Oils" as standard specification for diesel motor fuels with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D-56 shall be 115 degrees F. (46 degrees C.).

(d) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D-396, "Standard Specification for Fuel Oils" as standard specification for fuel oils.

(e) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D-3699, "Standard Specification for Kerosene" as standard specification for kerosenes with the following modification: For grade 2-K, the presence or absence of coloring matter shall in no way be determinative of whether a substance meets the requirements of this grade of kerosene.

(f) In addition to meeting all specification requirements as set forth in this Rule, each fuel must be suitable for the intended use.

(g) ASTM documents adopted by reference herein are available for inspection in the Office of the Director of the Standards Division and may be obtained from ASTM, 1916 Race Street, Philadelphia, PA 19103, at a cost determined by ASTM.

*History Note: Authority G.S. 119-26; 119-26.1; 150B-14;*

*Eff. December 1, 1981;*

*Amended Eff. September 1, 1992; May 1, 1990; March 1, 1989;*

*June 1, 1987;*

*Temporary Amendment Eff. March 14, 2008.*

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**APPROVED RULES**

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*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*Rules approved by the Rules Review Commission at its meeting on February 21, 2008.*

**REGISTER CITATION TO THE  
NOTICE OF TEXT****ADMINISTRATION, DEPARTMENT OF**

<u>Scope</u>	01	NCAC 44A .0101*	22:08 NCR
<u>Definitions</u>	01	NCAC 44A .0102*	22:08 NCR
<u>Application</u>	01	NCAC 44A .0201	22:08 NCR
<u>Documentation</u>	01	NCAC 44A .0202*	22:08 NCR
<u>Approval</u>	01	NCAC 44A .0203*	22:08 NCR
<u>Duration</u>	01	NCAC 44A .0204*	22:08 NCR
<u>Changes in Ownership or Management and Control</u>	01	NCAC 44A .0205	22:08 NCR
<u>Denial</u>	01	NCAC 44A .0206*	22:08 NCR
<u>Renewal</u>	01	NCAC 44A .0207	22:08 NCR
<u>Inactivity</u>	01	NCAC 44A .0208*	22:08 NCR
<u>Challenge Initiation</u>	01	NCAC 44A .0401	22:08 NCR
<u>HUB Office Investigation</u>	01	NCAC 44A .0402	22:08 NCR
<u>Determination</u>	01	NCAC 44A .0403	22:08 NCR
<u>HUB Status During Challenge</u>	01	NCAC 44A .0404	22:08 NCR
<u>Reasons for Revocation</u>	01	NCAC 44A .0501	22:08 NCR
<u>Notice</u>	01	NCAC 44A .0502*	22:08 NCR
<u>Review</u>	01	NCAC 44A .0601*	22:08 NCR
<u>Contents</u>	01	NCAC 44A .0602*	22:08 NCR
<u>Criteria</u>	01	NCAC 44A .0603	22:08 NCR
<u>Decision</u>	01	NCAC 44A .0604*	22:08 NCR
<u>Status Pending Review</u>	01	NCAC 44A .0605	22:08 NCR
<u>Appeal</u>	01	NCAC 44A .0606	22:08 NCR

**INSURANCE, DEPARTMENT OF**

<u>Licensing of Business Entities</u>	11	NCAC 06A .0413*	22:08 NCR
<u>Time for Appeal and Documents Required</u>	11	NCAC 08 .1501*	22:10 NCR
<u>Service on Local Authority</u>	11	NCAC 08 .1502*	22:10 NCR
<u>Response by Local Authority</u>	11	NCAC 08 .1503*	22:10 NCR
<u>Review of Local Authority Decision</u>	11	NCAC 08 .1504*	22:10 NCR
<u>Administrative and Judicial Review</u>	11	NCAC 08 .1505*	22:10 NCR

**PRIVATE PROTECTIVE SERVICES BOARD**

<u>Experience Requirements for A P.S.E. License</u>	12	NCAC 07D .0601*	21:06 NCR
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**APPROVED RULES**

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<u>Application/Armed Security Guard Firearm</u>	12 NCAC 07D .0801*	22:02 NCR
<b>ALCOHOL LAW ENFORCEMENT</b>		
<u>SCOPE</u>	14A NCAC 12 .0101	22:08 NCR
<u>Definitions</u>	14A NCAC 12 .0102*	22:08 NCR
<u>North Carolina State Boxing Authority Section of the ALE Division</u>	14A NCAC 12 .0103*	22:08 NCR
<u>Drugs and Foreign Substances</u>	14A NCAC 12 .0201*	22:08 NCR
<u>Physical Examination</u>	14A NCAC 12 .0301*	22:08 NCR
<u>Permits</u>	14A NCAC 12 .0401*	22:08 NCR
<u>Licensing Requirements</u>	14A NCAC 12 .0402*	22:08 NCR
<u>Duties of Contestants</u>	14A NCAC 12 .0403*	22:08 NCR
<u>Duties of Promoters &amp; Matchmakers</u>	14A NCAC 12 .0404*	22:08 NCR
<u>Duties of Managers</u>	14A NCAC 12 .0405*	22:08 NCR
<u>Duties of Referees</u>	14A NCAC 12 .0406*	22:08 NCR
<u>Duties of Judges</u>	14A NCAC 12 .0407*	22:08 NCR
<u>Duties of Announcers</u>	14A NCAC 12 .0408*	22:08 NCR
<u>Duties of Timekeepers</u>	14A NCAC 12 .0409*	22:08 NCR
<u>Duties of Seconds</u>	14A NCAC 12 .0410*	22:08 NCR
<u>Duties of Trainers</u>	14A NCAC 12 .0411*	22:08 NCR
<u>Duties of Physicians</u>	14A NCAC 12 .0412*	22:08 NCR
<u>Contracts and Financial Arrangements</u>	14A NCAC 12 .0413*	22:08 NCR
<u>Weigh-Ins-Boxing</u>	14A NCAC 12 .0501*	22:08 NCR
<u>Equipment-Boxing</u>	14A NCAC 12 .0502*	22:08 NCR
<u>Scoring-Boxing</u>	14A NCAC 12 .0503*	22:08 NCR
<u>Fouls-Boxing</u>	14A NCAC 12 .0504*	22:08 NCR
<u>Weigh-Ins-Kickboxing</u>	14A NCAC 12 .0601*	22:08 NCR
<u>Equipment-Kickboxing</u>	14A NCAC 12 .0602*	22:08 NCR
<u>Scoring-Kickboxing</u>	14A NCAC 12 .0603*	22:08 NCR
<u>Fouls-Kickboxing</u>	14A NCAC 12 .0604*	22:08 NCR
<u>Amateurs-Kickboxing</u>	14A NCAC 12 .0605*	22:08 NCR
<u>Toughman Match</u>	14A NCAC 12 .0701*	22:08 NCR
<u>Weigh-Ins-Mixed Martial Arts</u>	14A NCAC 12 .0801*	22:08 NCR
<u>Appearance-Mixed Martial Arts</u>	14A NCAC 12 .0802*	22:08 NCR
<u>Handwraps-Mixed Martial Arts</u>	14A NCAC 12 .0803*	22:08 NCR
<u>Gloves-Mixed Martial Arts</u>	14A NCAC 12 .0804*	22:08 NCR
<u>Ring Requirements-Mixed Martial Arts</u>	14A NCAC 12 .0805*	22:08 NCR
<u>Number of Rounds-Mixed Martial Arts</u>	14A NCAC 12 .0806*	22:08 NCR
<u>Seconds Duties-Mixed Martial Arts</u>	14A NCAC 12 .0807*	22:08 NCR
<u>Scoring-Mixed Martial Arts</u>	14A NCAC 12 .0808*	22:08 NCR
<u>Fouls-Mixed Martial Arts</u>	14A NCAC 12 .0809*	22:08 NCR
<u>Amateurs-Mixed Martial Arts</u>	14A NCAC 12 .0810*	22:08 NCR
<u>Suspension-Mixed Martial Arts</u>	14A NCAC 12 .0811*	22:08 NCR

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Scope and Purpose</u>	15A NCAC 02C .0301*	22:08 NCR
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**APPROVED RULES**

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<u>Definitions</u>	15A NCAC 02C .0302*	22:08 NCR
<u>Application for Construction Permit</u>	15A NCAC 02C .0303*	22:08 NCR
<u>Permitting</u>	15A NCAC 02C .0304*	22:08 NCR
<u>Grout Inspection: Certification</u>	15A NCAC 02C .0305*	22:08 NCR
<u>Well Completion and Certification</u>	15A NCAC 02C .0306*	22:08 NCR
<u>Well Data and Records</u>	15A NCAC 02C .0307*	22:08 NCR
<u>Appeal Procedure</u>	15A NCAC 02C .0308	22:08 NCR
<u>Permit and Application Fees</u>	15A NCAC 02Q .0203	22:08 NCR
<u>Inflation Adjustment</u>	15A NCAC 02Q .0204	22:08 NCR

**SOIL AND WATER CONSERVATION COMMISSION**

<u>Definitions for Subchapter 06E</u>	15A NCAC 06E .0102*	22:09 NCR
<u>Cost Share and Incentive Payments</u>	15A NCAC 06E .0105	22:09 NCR
<u>District Program Operation</u>	15A NCAC 06E .0108*	22:09 NCR
<u>District Program Operation</u>	15A NCAC 06I .0108*	22:09 NCR

**WILDLIFE RESOURCES COMMISSION**

<u>Safety Equipment</u>	15A NCAC 10F .0201*	22:01 NCR
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**NC MEDICAL BOARD/PERFUSION ADVISORY COMMITTEE**

<u>Fees</u>	21 NCAC 32V .0115	22:08 NCR
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**FUNERAL SERVICE, BOARD OF**

<u>Definitions</u>	21 NCAC 34B .0407*	22:08 NCR
<u>Course Accreditation Standards</u>	21 NCAC 34B .0409*	22:08 NCR
<u>General Course Approval</u>	21 NCAC 34B .0411*	22:08 NCR
<u>Accreditation of Prerecorded Programs and Live Programs B...</u>	21 NCAC 34B .0413*	22:08 NCR
<u>Accreditation of Computer-Based CE</u>	21 NCAC 34B .0414*	22:08 NCR

**OCCUPATIONAL THERAPY, BOARD OF**

<u>Continuing Duty to Report Certain Crimes and Civil Suits</u>	21 NCAC 38 .0305*	n/a G.S. 150B-21.5(b)(1)
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**PSYCHOLOGY BOARD**

<u>Criminal History Record Check</u>	21 NCAC 54 .1612*	22:07 NCR
<u>Information Required</u>	21 NCAC 54 .1701*	22:07 NCR
<u>Senior Psychologist</u>	21 NCAC 54 .1707*	22:07 NCR
<u>Reinstatement</u>	21 NCAC 54 .2103*	22:07 NCR
<u>HSP-PA Requirements</u>	21 NCAC 54 .2706	22:07 NCR

**RESPIRATORY CARE BOARD**

<u>Fees</u>	21 NCAC 61 .0204*	22:10 NCR
<u>Inactive Status</u>	21 NCAC 61 .0305	22:10 NCR

**TITLE 01 – DEPARTMENT OF ADMINISTRATION**

**01 NCAC 44A .0101 SCOPE**

The rules in this Subchapter are used to determine if a business is a minority business in accordance with G.S. 143-128.2.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0102 DEFINITIONS**

As used in this Subchapter, the following terms have the following definitions:

- (1) "HUB" means Historically Underutilized Business.
- (2) "HUB Certification" means the determination of a vendor's eligibility as a HUB.
- (3) "HUB Office" means the Department of Administration's Office for Historically Underutilized Businesses.
- (4) "IRS" means the United States Internal Revenue Service.
- (5) "Person" means a natural person, and does not include a corporation or other business entity.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0201 APPLICATION**

A business shall complete the following steps to initiate an application for certification:

- (1) The business shall complete an application using the Vendor Link NC system <http://www.ips.state.nc.us/ips/Vendor/vndrtips.asp>;
- (2) The business shall complete, sign and attest to the information submitted online in the Vendor Link NC system; and
- (3) The application is not complete until an Affidavit for Certification is received by the HUB Office.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0202 DOCUMENTATION**

- (a) HUB staff shall request documentation to establish the ownership, management, and control of daily business operations of the business pursuant to Rule .0301 this Subchapter.
- (b) If the documentation provided by the business does not demonstrate ownership, management and control of daily business operations by the business, HUB Office staff shall conduct a site visit.
- (c) The HUB Office shall not consider organizational changes made to the business during the eligibility determination process.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0203 APPROVAL**

- (a) The HUB Office shall grant HUB Certification if the business meets the definition of minority business found at G.S. 143-128.4(a1) and 143-128.2(g).
- (b) The business shall log on to the Vendor Link system at least once during each 12 month period.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0204 DURATION**

Certification remains in effect for two years unless there is a change in the business ownership, management or control of daily business operations that affects the HUB status.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0205 CHANGES IN OWNERSHIP OR MANAGEMENT AND CONTROL**

HUB vendors shall notify the HUB Office in writing of any changes in the ownership or the management and control of daily business operations of their companies within 30 days of the changes.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0206 DENIAL**

- (a) The HUB Office shall deny HUB Certification if the business does not meet the definition of minority business found at G.S. 143-128.2(g)(1) or 143-128.4(a1).
- (b) If the business wishes to submit a new request for HUB Certification it may do so after a period of 12 months from the date of denial.
- (c) Vendors who are denied HUB Certification have a right to review pursuant to Section .0600 of this Subchapter.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0207 RENEWAL**

- (a) To renew HUB certification the HUB shall attest that there have been no changes in the ownership or the management and control of daily business operations of the business entity since the last certification or renewal.
- (b) If there has been a change in the ownership or the management and control of daily business operations of the business entity, the HUB shall submit documentation detailing the change(s) within 30 days of the change.
- (c) In the on-line Vendor Link system, HUB status is "Inactive" if the vendor fails to update or submit necessary documentation.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0208 INACTIVITY**

The Vendor Link system automatically removes those vendor profiles that have been inactive for 12 months.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0401 CHALLENGE INITIATION**

A third party may challenge, by notarized affidavit, the HUB certification of any business. The challenge shall include detailed reasons or evidence for the challenge.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0402 HUB OFFICE INVESTIGATION**

Once a challenge has been initiated, the HUB Office shall investigate by requesting additional data and conducting an on-site review at the business location.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0403 DETERMINATION**

The HUB Office shall notify the challenger and HUB in writing of the outcome of the investigation.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0404 HUB STATUS DURING CHALLENGE**

The HUB certification status shall remain in effect during the challenge process.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0501 REASONS FOR REVOCATION**

HUB Certification shall be revoked for any of the following reason(s):

- (1) The business makes changes to the ownership or management and daily business operations of the company that render it no longer a HUB;
- (2) The HUB Office determines that the business is not a HUB;
- (3) The business is ineligible to contract with the State of North Carolina pursuant to 143-59.2; or
- (4) The business fails to notify the HUB Office within 30 days of any changes in ownership or management and control of daily business operations.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0502 NOTICE**

(a) The HUB Office shall notify the business in writing by certified mail of the decision to revoke HUB Certification and shall state the reason(s) for revocation.

(b) The HUB Office shall advise the HUB of its right to a review and give the business 21 business days in which to exercise this right.

(c) If no review is requested, revocation of the HUB's status shall be enforced.

(d) The vendor may reapply for HUB certification 12 months from the date of the revocation notice.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0601 REVIEW**

To exercise a right of review, a review request shall be made in writing and addressed to the HUB Office Director within 21 business days of the date of the denial or revocation notice.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0602 CONTENTS**

The review request shall state the specific reason(s) why the denial or revocation was improper based on the HUB eligibility requirements and the documentation submitted.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0603 CRITERIA**

The HUB Director shall consider and base the decision on the eligibility requirements.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0604 DECISION**

The HUB Director shall render a written decision within 45 business days of receipt of the request.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0605 STATUS PENDING REVIEW**

The HUB certification status remains in effect pending a review.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**01 NCAC 44A .0606 APPEAL**

The business may file a contested case with the Office of Administrative Hearings pursuant to G.S. 150B-23 if it is not satisfied with the decision of the Director.

*History Note: Authority G.S. 143-48.4; 143-128.4;  
Eff. March 1, 2008.*

**TITLE 11 – DEPARTMENT OF INSURANCE**

**11 NCAC 06A .0413 LICENSING OF BUSINESS ENTITIES**

A business entity shall notify the Division of the addition or deletion of an agent or insurance company within 30 days after the change.

*History Note:* Authority G.S. 58-2-40; 58-33-31;  
*Eff. February 1, 1989;*  
*Amended Eff. April 1, 2003; February 1, 1996; October 1, 1990;*  
*Amended Eff. March 1, 2008.*

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**11 NCAC 08 .1501 TIME FOR APPEAL AND DOCUMENTS REQUIRED**

Within 30 days after the date a local authority having jurisdiction ("local authority") notifies a designer or owner-representative that the local authority has decided that an alternative design and construction proposed by the designer or owner-representative violates the North Carolina State Building Code ("Code"), the designer or owner-representative may appeal the decision in writing to the N.C. Department of Insurance, Engineering Division, 1201 Mail Service Center, Raleigh, NC 27699-1201. The designer or owner-representative shall provide the Engineering Division with all construction documents pertaining to the alternative design and construction, including supporting language, drawings, and descriptions.

*History Note:* Authority G.S. 143-140.1;  
*Eff. March 1, 2008.*

**11 NCAC 08 .1502 SERVICE ON LOCAL AUTHORITY**

The designer or owner-representative shall provide the local authority with a written notice of the appeal and copies of all documents the designer or owner-representative provides to the Engineering Division in accordance with Rule .1501 of this Section. The notice of appeal and the documents shall be sent to the local authority and the Engineering Division by certified mail, return receipt requested.

*History Note:* Authority G.S. 143-140.1;  
*Eff. March 1, 2008.*

**11 NCAC 08 .1503 RESPONSE BY LOCAL AUTHORITY**

Within five business days after the date the appeal is received by the Engineering Division, the local authority may file a response to the appeal with the Engineering Division at the same address in Rule .1501 of this Section.

*History Note:* Authority G.S. 143-140.1;  
*Eff. March 1, 2008.*

**11 NCAC 08 .1504 REVIEW OF LOCAL AUTHORITY DECISION**

(a) If the Engineering Division determines that the requested alternative design and construction does not conform to the requirements of the Code, and does not provide the equivalent level of protection of public health, safety, and welfare prescribed by the Code, the Engineering Division shall uphold the determination by the local authority.

(b) If the Engineering Division determines that the requested alternative design and construction does not conform to the requirements of the Code, but does provide the equivalent level of protection of public health, safety, and welfare prescribed by the Code, the Engineering Division shall overrule the determination by the local authority. The designer or owner-representative may then use the alternative design and construction.

*History Note:* Authority G.S. 143-140.1;  
*Eff. March 1, 2008.*

**11 NCAC 08 .1505 ADMINISTRATIVE AND JUDICIAL REVIEW**

A party that is aggrieved by the determination of the Engineering Division may appeal to the Building Code Council pursuant to G.S. 143-141.

*History Note:* Authority G.S. 143-140.1;  
*Eff. March 1, 2008.*

**TITLE 12 – DEPARTMENT OF JUSTICE**

**12 NCAC 07D .0601 EXPERIENCE REQUIREMENTS FOR A PSYCHOLOGICAL STRESS EVALUATOR LICENSE**

(a) In addition to the requirements of 12 NCAC 07D .0200, applicants for a Psychological Stress Evaluator license shall successfully complete a course of instruction at any P.S.E. school approved by the Board.

(b) A P.S.E. school must consist of not less than 40 hours of actual classroom instruction in psychological stress evaluation.

*History Note:* Authority G.S. 74C-5;  
*Eff. June 1, 1984;*  
*Amended Eff. March 1, 2008.*

**12 NCAC 07D .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Each armed security guard employer or his designee shall submit and sign an application form for the registration of each armed security guard applicant to the Board. This form shall be accompanied by:

- (1) two sets of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color photographs of the applicant sufficient quality for identification, one inch by one inch in size;

- (3) certified statement of the result of a criminal records search from the clerk of superior court in each county where the applicant has resided within the immediate preceding 48 months. If the applicant has resided out of state within the immediate preceding 48 months, the applicant shall provide a certified statement of the result of a criminal records search from the appropriate governmental authority housing criminal record information in each area where the applicant has resided within the immediate preceding 48 months;
- (4) the applicant's non-refundable registration fee; and
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807;
- (6) a certification by the applicant that he or she is at least 21 years of age.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card which shall be carried by the applicant when he is within the scope of his employment and which shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the contract security company or proprietary security organization has obtained prior approval from the Director. The Director shall grant prior approval if the contract security company or proprietary security organization provides proof satisfactory to the Director that the applicant has received prior firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

*History Note: Authority G.S. 74C-5; 74 C-9; 74C-13; Eff. June 1, 1984; Amended Eff. April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990; May 1, 1988; July 1, 1987.*

*History Note: Authority G.S. 143-652.1; Temporary Adoption Eff. January 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. March 1, 2008; October 1, 2004.*

#### **14A NCAC 12 .0102 DEFINITIONS**

The definitions contained in G.S. 143-651 apply to the rules in this Chapter in addition to the following:

- (1) "Cage" means a fenced enclosure in which promotional organizations hold mixed martial arts competition.
- (2) "Choke" means a submission technique which restricts blood flow in the carotid arteries, resulting in a competitor either tapping-out or losing consciousness including guillotine choke, rear-naked choke, leg triangle choke, and the arm triangle choke.
- (3) "Fish-hooking" means the action of hooking (grasping) and pulling the inside of an opponent's cheek so as to control his head movement
- (4) "Gi" means the traditional uniform worn when practicing aikido, jujitsu, judo and karate.
- (5) "Grappling" means the techniques of throwing, locking, holding, and wrestling, as opposed to kicking and punching.
- (6) "Guard" means a position in which one competitor lies on his back with his or her knees bent and legs open. If his or her opponent is between his or her legs, the opponent is in his or her guard. Depending upon the leg position of the fighter on his or her back, the guard is referred to as being an open, closed, half, butterfly, spider, or rubber-band guard.
- (7) "Hammer-fist" means a strike with the small finger side of the fist, as if holding a hammer.
- (8) "Kickboxing" means a striking sport which permits punches, kicks, and knees.
- (9) "Mount" means a position in which a competitor gains top position and controls his or her opponent by sitting on top of him or her or from the side of the opponent.
- (10) "Passing the guard" means a fighter's attempt to escape from his or her opponents guard in order to secure the mount position.
- (11) "Spike, Spiking" means after lifting and inverting an opponent or attempting to slam him or her headfirst into the canvas.
- (12) "Strikes" means a cumulative number of punches administered by a contestant to his or her opponent.
- (13) "Submission" means a grappling technique which forces a contestant to tap-out. Techniques include chokes, and the hyperextension or over-rotation of a joint.

### **TITLE 14A – DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

#### **14A NCAC 12 .0101 SCOPE**

The rules in this Chapter implement the provisions of G.S. 143, Article 68 of the North Carolina General Statutes, and establish the regulations and standards set forth by the Boxing Authority Section of the Alcohol Law Enforcement Division of the North Carolina Department of Crime Control and Public Safety relative to the conduct, promotion, and performances of boxing, kickboxing, toughman or mixed martial arts matches held in North Carolina.

- (14) "Tap-out" means the physical act of tapping the opponent, the mat, or one's self to signal a submission. When unable to physically tap-out, a submission may be vocal.

*History Note: Authority G.S. 143-652.1; 143-651; Temporary Adoption Eff. January 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 09 effective November 8, 2002; Amended Eff. March 1, 2008.*

**14A NCAC 12 .0103 NORTH CAROLINA STATE BOXING AUTHORITY SECTION OF THE ALE DIVISION**

(a) A Division representative shall:

- (1) Approve, issue, withhold or deny licenses and permits according to the provisions of G.S. 143-654 and G.S. 143-655 and the rules set forth in this Chapter;
- (2) Be present at all matches;
- (3) Ensure that all matches are conducted in accordance with the provisions of G.S. 143, Article 68 and the rules set forth in this Chapter. This includes appointing or causing to be appointed licensed match officials and reviewing and approving or disapproving a match or fight card based on weights, abilities, records or physical condition of the prospective contestants. The Division representative shall not approve a match where it is reasonable to assume, based on weights, abilities, records or physical condition of the prospective contestants that the match would not be competitive.
- (4) Ensure that all the requirements indicated in this Chapter to be the responsibility of the Boxing Authority Section of the Division are properly and timely carried out as set forth in this Chapter;
- (5) Appoint the inspectors for each match for which he is responsible. There shall be a minimum of two referees, three judges (plus two kick count judges for kickboxing matches), one announcer, and one timekeeper present at each match;
- (6) Inscribe the result of each match on the passport of each participant, if so requested;
- (7) Have rubber gloves available for use by the seconds, physicians and officials; and
- (8) Ensure that all officials are paid by the promoter prior to their leaving the premises of the boxing matches after the matches have been concluded; and that all officials acknowledge by signature, on a form provided by the Division, the receipt of payment.

(b) Each inspector shall observe and report the conduct of the seconds in the corner of his designated contestant during the course of the match and immediately report any violation or

suspicious or improper behavior to the Division representative. Each inspector shall be present in his designated contestant's dressing room to insure that:

- (1) No illegal drugs or foreign substances are ingested or used. Any use or suspected use of an illegal drug or foreign substance shall be immediately reported to the Division representative;
- (2) Handwraps are applied in accordance with the rules in this Chapter;
- (3) Gloves to be used are clean, sanitary and in good condition, and are laced and tied;
- (4) A urine sample is collected, when necessary, in accordance with the prescribed protocol as designated by the rules in this Chapter; and
- (5) Security is maintained for the protection of the contestant, and the public, and to ensure that the Division representative and inspectors can carry out the provisions of G.S. 143, Article 68 and the rules set forth in this Chapter.

(c) Forms for applications for licenses and permits are available from the Boxing Authority Section of the Division. These forms may be obtained by contacting, and shall be filed with:

NC ALE Boxing Authority Section  
Department of Crime Control and Public Safety  
4704 Mail Service Center  
Raleigh, North Carolina 27699-4704  
Telephone (919) 733-3925.

*History Note: Authority G.S. 143-652.1; 143-651(7a); 150B-38; 150B-39; 143-654; Temporary Adoption Eff. January 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. March 1, 2008; October 1, 2004.*

**14A NCAC 12 .0201 DRUGS AND FOREIGN SUBSTANCES**

(a) No contestant shall at any time, use or be under the influence of any drug or foreign substance that would increase or decrease his performance, or impair his or the physician's ability to recognize a potentially serious injury or physical condition. No substance, other than plain drinking water, shall be given to or ingested by a contestant during the course of a match.

(b) The following drug or foreign substance classifications are prohibited except as otherwise indicated:

- (1) Stimulants--All stimulants are banned with the following exceptions:
  - (A) Caffeine--provided, however, that an amount greater than 12 mcg/ml in the urine is prohibited;
  - (B) Beta 2 Agonist--provided it is selected from the following list and is in aerosol or inhalant form only:
 

Drug Chemical	Brand Name
(i) Mesylate	Tornalate
(ii) Metaproterenol Sulfate	Alupent, Metaprel
(iii) Albuterol Sulfate	Ventolin, Proventil

- (iv) TerbutalineSulfate Brethaire
- (2) Narcotics;
- (3) Anabolic Steroids, including human growth hormone;
- (4) Diuretics;
- (5) Alcohol;
- (6) Local Anesthetics; and
- (7) Corticosteroids.

(c) Whenever the Division representative has reason to believe that a contestant has ingested or used a prohibited drug or foreign substance, the Division representative shall request and the contestant shall provide, under the supervision of a physician, Division representative or inspector, a sample of his urine taken not more than 1 hour after the conclusion of the match. No contestant shall use substances or methods which would alter the integrity of the urine sample.

(d) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the contestant's license. Any contestant who has been adjudged the loser of a match and who subsequently refuses or is unable to provide a urine sample shall forfeit his share of the purse to the Division. Any contestant who is adjudged the winner of a match and who subsequently refuses or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in North Carolina. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the contestant found to be in violation of this Section had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is accomplished, the contestant found to be in violation of this Section shall forfeit his share of the purse to the Division.

(e) After each match the physician shall advise the Division representative as to whether or not he observed any behavior or other signs that would indicate the advisability of processing the urine sample. The Division representative shall make the final decision as to the processing of the urine sample.

(f) The following apply to the external use of drugs or foreign substances by contestants.

- (1) No drug or foreign substance shall be used unless expressly provided for in the rules in this Chapter or as directed by a physician.
- (2) The following drugs or foreign substances may be used by contestants under the conditions described in this Chapter:
  - (A) Petroleum Jelly--The use of petroleum jelly is allowed around the eyes. However, the use of petroleum jelly on the arms, legs and body of a contestant is prohibited.
  - (B) The use of a 1/1000 solution of Adrenalin and Avitine, or their generic equivalents, as approved by a physician, is allowed between rounds to stop bleeding of cuts and lacerations sustained by a contestant.
- (3) Any contestant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the loser of a match shall forfeit his share of

the purse to the Division. Any contestant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the winner of a match, shall forfeit the win and a no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the contestant found to be in violation of this Section had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is accomplished, the contestant found to be in violation of this Section shall forfeit his share of the purse to the Division. The following penalties shall be assessed against any contestant found to be in violation of this Section:

- (A) For the first occurrence the contestant shall be penalized by suspending the contestant's license banning his participating in any manner, in any match for a period of 180 calendar days;
- (B) For the second occurrence the contestant shall be penalized by suspending the contestant's license and banning his participation in any manner in any match for a period of one year;
- (C) For the third occurrence the contestant shall be penalized by permanently revoking the contestant's license and banning permanently his participation in any manner in any match or activity regulated by G.S. 143, Article 68.

- (4) No person licensed by the Division shall participate in or contribute to the act of violating this Section and any violation shall be grounds for suspension or revocation of all licenses held by such person. Any person found to be in violation of this Section shall forfeit his share of the purse or other compensation to the Division and shall be assessed the following penalty:

- (A) The first occurrence shall be penalized by suspending the person's license and banning his participating in any manner, in any match for a period of 180 calendar days;
- (B) The second occurrence shall be penalized by suspending the person's license and banning his participation in any manner, in any match for a period of one year;
- (C) The third occurrence shall be penalized by permanently revoking the person's license and banning permanently his participation in any

manner, in any match or activity regulated by G.S. 143, Article 68.

(g) Drugs, containers and other equipment used in conjunction with a match, regardless of why or how they are used or where they are located shall at all times be available for inspection by a physician, referee or Division representative and shall be seized if there is any evidence that they may have been used to violate or are in violation of any provision of G.S. 143, Article 68 or the Rules in this Chapter.

(h) Every person under the jurisdiction of the Division shall immediately advise the physician, referee or Division representative of any knowledge that any contestant scheduled to be engaged in any match has, in violation of this Section, ingested or is under the influence of any drug or foreign substance prohibited by the rules in this Chapter.

*History Note: Authority G.S. 143-652.1;*

*Recodified from 18 NCAC 9 .0104(aa)-(dd) Eff. April 1, 1996;*

*Eff. April 1, 1996;*

*Transferred and recodified from 18 NCAC 9 effective November 8, 2002;*

*Amended Eff. October 1, 2004;*

*Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0109).*

#### **14A NCAC 12 .0301 PHYSICAL EXAMINATION**

(a) Pre-Match Examination-A pre-match physical examination shall be given to each contestant by a physician not more than four hours before the start of the program of matches. The physician conducting the pre-match physical examination shall submit to the Division representative the results of the pre-match physical on a form provided by the Division. The physician shall certify his professional assessment as to whether or not the contestant is physically and mentally fit to engage in the match. A contestant shall not be permitted to engage in a match unless he has been examined and pronounced fit to do so by a physician.

(b) Post-Match Examination-At the conclusion of a match and before each contestant leaves the premises, he or she shall be given a post-match examination by a physician. The physician conducting the post-match physical examination shall submit to the Division representative the results of the post-match physical examination on a form provided by the Division. The physician shall certify his professional assessment as to the contestant's physical condition, whether or not a medical suspension is necessary, and whether additional medical treatment or assessments are necessary.

(c) The Pre-Match examination given to all contestants shall include the following:

- (1) Temperature;
- (2) Pulse; sitting, standing and running;
- (3) Lungs;
- (4) Heart; and
- (5) Blood pressure.

(d) At the time of the pre-match physical examination, the promoter shall furnish to the physician a provided pregnancy test for all female contestants. The results of the pregnancy test shall be reported on a form provided by the Division. If the promoter does not have the test kits on site, the Division representative

shall provide test kits, the cost of which shall be paid by the promoter. A contestant who tests positive for pregnancy shall not be cleared or allowed to compete in any match.

(e) A contestant shall not engage in any match if any of the following conditions are found by the physician:

- (1) Hernia, or bubonocoele;
- (2) Organic heart murmurs;
- (3) Active pulmonary lesions;
- (4) Abnormal temperature as determined by the physician;
- (5) Systolic pressure over 150 and diastolic pressure over 90;
- (6) Infectious skin lesions, such as boils or infected wounds;
- (7) Open wounds;
- (8) Hand injuries, and fractures less than 6 weeks old, if, in the physician's opinion, the injury would be detrimental to the contestant's health or ability to effectively compete or exhibit;
- (9) An indication that the contestant is using or is under the influence of narcotics, drugs, stimulants, depressants, alcohol, local anesthetics or such a high level of analgesics as to render the contestant unable to recognize if he is seriously injured. If the physician finds any indication or evidence that the contestant is using, is under the influence, of unauthorized drugs or foreign substances such that the physician cannot make a definite determination and therefore allows the match to proceed, the physician shall immediately advise the Division representative who shall ensure that a urine sample is taken and processed in accordance with the rules in this Chapter;
- (10) Retinopathy or detached retina; provided however, that at the request, of the applicant the Division shall review individual cases of repaired retinal damage for the purpose of permitting the individual to engage in a boxing match in North Carolina. In order for the Division to consider the request the individual must provide to the Division such medical information as the Division deems appropriate which must include a written statement by the doctor performing the retinal repair that the retina is completely healed; that in his opinion, within a reasonable medical certainty, no unusual or extraordinary risk to the individual is anticipated as a result of the repaired retina; and that he authorizes the individual to engage in the sport of boxing, kickboxing or mixed martial arts. In the event the physician who made the repair is unavailable, the individual must authorize the Division and the Division's physician total and unlimited access to all medical records pertaining to the damage, repair of the damage and any subsequent treatment regarding the eyes. The Division



shall direct its physician to review all information and to examine the individual seeking licensure and report the results and recommendation to the Division for consideration by the Division. Any costs associated with the review and examination of records or the individual shall be borne by the individual seeking licensure;

- (11) Dental abscess;
- (12) Ophthalmological problem;
- (13) History of epilepsy or seizures;
- (14) Blindness;
- (15) History of kidney problems;
- (16) Change in gait or balance; or
- (17) History of any change in a CAT scan, electroencephalogram (EEG), or electrocardiogram (EKG).

(f) If at any time, the Division representative determines that the match may be adverse to the health of a contestant or referee, the Division representative shall order the contestant or referee to be medically examined by a physician. The physician conducting the medical examination shall submit to the Division the results of the examination on a form provided by the Division. The physician shall certify his professional assessment as to: the contestant's or referee's physical conditions, whether or not a medical suspension is necessary and the recommended length of suspension commensurate with the specified injury; and whether additional medical treatment or assessments are necessary.

*History Note: Authority G.S. 143-652.1; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0104(g)-(j) Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. October 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0105).*

#### **14A NCAC 12 .0401 PERMITS**

(a) No promoter shall be given tentative approval for or issued a permit if such person has an unpaid fine or any delinquent indebtedness outstanding to the Division.

(b) Each application for a permit shall be in writing, verified by the applicant, complete, and be accompanied by the required fee. The application for permit shall be on file with the Division at least 30 calendar days prior to the scheduled program of matches.

(c) Upon receipt of the application for permit, the Division representative shall review the application and, if the application is in compliance with the requirements of G.S. 143, Article 68 and the rules set forth in this Chapter, he shall give tentative approval to the promoter for the proposed date of the program. If the Division representative determines that the application for permit is not in compliance with Article 68 or the rules as set forth in this Chapter, he shall immediately advise the promoter that the application for permit has been disapproved and shall state the reasons that the application is not in compliance. The Division representative shall deny an application for permit if

another program of matches has previously been scheduled for the same date, and he has determined that adequate staff would not be available to properly supervise both programs of matches.

(d) The promoter shall provide the proposed fight card not later than seven calendar days prior to the proposed date of the program. The promoter may advise the Division representative verbally of the names of the proposed contestants. The Division representative shall review the proposed fight card and, if he determines that all the proposed matches meet the requirements of Article 68, and the rules set forth in this Chapter, he shall approve the proposed fight card. If the Division representative determines that the proposed fight card is not in compliance with Article 68 or the rules set forth in this Chapter, he shall not approve the proposed fight card and shall immediately advise the promoter that the proposed fight card has been disapproved and the reasons for the disapproval.

(e) All other pre-match requirements of the promoter described in Article 68 and the rules set forth in this Chapter shall be accomplished before final approval is given and the permit issued. The final approval of the permit shall not be given unless the Division representative has observed that all requirements related to facilities, equipment, personnel, licensing and approvals, and procurement of insurance have been met by the promoter. Immediately upon determining that the promoter has met all the requirements as set forth in this Chapter, the Division representative shall issue the permit. If the Division representative determines that the promoter is not in compliance with the requirements set forth in this Rule, the Division representative shall rescind the tentative approval of the permit and the program of matches shall be canceled. If the program of matches is canceled, all tickets shall be refunded in accordance with the refund provisions set forth in the rules in this Chapter.

(f) A permit is only valid for the program of matches for which it was issued. A new permit is required for each program of matches. If, after the payment of the permit fee to the Division a program of matches is canceled for any reason, whether by the promoter or the Division, the permit fee shall not be refunded, provided however, that the fee shall be refunded if the cancellation by the Division was the result of an error made by the Division and which was through no fault of the promoter.

(g) A non-refundable permit fee shall be submitted with the application for permit and shall be based on the seating capacity of the premises to be utilized to present the program of matches. The following fee structure shall be utilized to determine the permit fee:

- (1) Seating capacity is less than 2000--Fee=\$150.00
- (2) Seating capacity is 2000 or more but no greater than 5000--Fee=\$300.00
- (3) Seating capacity exceeds 5000--Fee=\$450.00

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9.0105 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004;*

*Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0110).*

**14A NCAC 12 .0402 LICENSING REQUIREMENTS**

- (a) A person shall not be issued a license if such person has an unpaid fine or any delinquent indebtedness outstanding to the Division.
- (b) A person shall not be issued a license who, in any jurisdiction, has been convicted of any act which would constitute a violation of G.S. 143, Article 68 or the rules set forth in this Chapter; or which would constitute any of the grounds set forth in G.S. 143, Article 68 for suspension or revocation of a license; or against whom such charges are pending before any regulatory body.
- (c) A person shall not be issued a license who has been named in a pending administrative action or indictment for any act which would constitute a violation of G.S. 143, Article 68 or the rules set forth in this Chapter.
- (d) A person shall not transfer or attempt to transfer, including by the use of a power of attorney, any rights, privileges, responsibilities, duties, obligations or liabilities which by their nature are entitled to or encumbered by only those individuals holding a license to perform and be responsible for such activities.
- (e) For the purposes of the rules in this Chapter, the requirements and responsibilities of a co-promoter are the same as that of a promoter, and wherever the term promoter is used it is deemed to include the term co-promoter.
- (f) All applications for a license shall be in writing on a form provided by the Boxing Authority Section of the Division, verified by the applicant, complete, and accompanied by the required fee.
- (g) Upon receipt of an application for a license, the Division representative shall review the application and, if the application is in compliance with the requirements of G.S. 143, Article 68 and the rules set forth in this Chapter, he shall issue the license. If the Division representative determines that the application is not in compliance, he shall notify the applicant and set forth the reasons for his finding that the application is not in compliance.
- (h) An application for the renewal of a license shall be submitted on the same forms as referenced in this Rule and all of the requirements, standards, and criteria used to approve or disapprove an application for a new or initial license shall be used to approve or disapprove the application for the renewal of a license.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9.0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified form 14A NCAC 12 .0111(a-h)).*

**14A NCAC 12 .0403 DUTIES OF CONTESTANTS**

- (a) A contestant shall not also be licensed as a judge, promoter or referee nor shall he act as judge, promoter or referee.

(b) A contestant shall not have any financial or pecuniary interest in his opponent.

(c) A contestant shall not be licensed as a contestant and the license of any contestant shall be suspended or revoked if such person:

- (1) Is under 18 years of age;
- (2) Has had cardiac surgery;
- (3) Has not received ophthalmic examination within the immediate 12 month period prior to the date of the scheduled match and the results of the examination filed with the Division;
- (4) Is found to have any blindness or whose vision is so poor as to cause a health hazard or impairment to his ability to effectively participate in a match;
- (5) Has suffered cerebral hemorrhage or any other serious head injury. The Division representative shall, if he has cause to believe that a contestant may have suffered neurological injury, direct the contestant to undergo an EKG or CAT scan, and the interpretation and diagnosis shall be filed with the Division; or
- (6) Is no longer able to competently perform based on his win/lose/draw record, his previous opponents and the results of such matches, his proposed opponent and the results of the matches between his proposed opponent and others, and his physical condition.

(d) A contestant whose most recent match was eight rounds or more in duration, shall not engage in a match with less than seven calendar days between matches. A contestant whose most recent match was less than eight rounds in duration, shall not engage in a match with less than 48 hours between matches.

(e) Any contestant who fails to appear at a match or fails to appear timely at a match for which he or his manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the Division. A valid reason for failure to appear or to appear timely at a match includes an unforeseen travel delay or other circumstance beyond the contestant's control. In making a determination as to the period of suspension, the Division shall consider the following factors:

- (1) The relative importance of the match;
- (2) The contestant's past record of punctuality and tardiness; and
- (3) The reason or reasons for his failure to appear or appear timely.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (redodified from 14A NCAC 12 .0111(i)).*

**14A NCAC 12 .0404 DUTIES OF PROMOTERS AND MATCHMAKERS**

(a) A promoter or matchmaker shall not act as a promoter or matchmaker for any boxing or kickboxing match in this State unless the match is held in accordance with the rules in this Chapter.

(b) Any person licensed as an individual shall have sole ownership of such license and such license is not transferable or assignable to another. If such person is no longer in business, the license is void.

(c) Any license issued to and in the name of a corporation is not transferable or assignable to another. If such corporation is no longer in business or no longer operates as the corporation, the license is void. If any officer of the corporation is added or deleted, the licensee shall, within 10 calendar days, notify the Division of such addition or deletion. A newly added officer shall submit an application for promoter or co-promoter license.

(d) Any license issued to a partnership is not transferable or assignable to another. If the partnership is no longer in business or no longer operates as the partnership, the license is void, provided however that if the business continues to operate but does not operate as a partnership and the sole remaining person was one of the licensed partners and all other previous licensed partners have, in writing, authorized such sole remaining person to have control and use of the licensed name, then the license may remain in force and effective until its expiration date, at which time the person shall apply as an individual.

(e) A promoter shall not be licensed as a judge or referee.

(f) An applicant for a promoter's license shall satisfy the following bonding requirements:

- (1) An applicant for a promoter license shall deposit with the Division a bond or other security in the amount of ten thousand (\$10,000) prior to being issued a promoter license. If, at any time and for whatever reason, the bond or other security is not maintained in full force and effect, the license is automatically void.
- (2) If the Division determines that the projected liability for a match may exceed ten thousand dollars (\$10,000) the Division representative shall require an additional bond or additional security for the match. The additional bond or additional security shall be required and used only for the designated match and shall be released or returned 90 calendar days after the date of the match unless, as a result of violations or suspected violations, the Division representative determines that the additional bond or additional security shall be retained by the Division for a longer period.
- (3) The bond and other security, or additional bond and additional security shall be filed with the Division for the purpose of providing surety that the promoter will faithfully perform and fulfill his obligations as described in Article 68, and the rules set forth in this Chapter. Any fault, negligence, error or omission, failure to fulfill contractual

obligations, violation of any rules of the Division or any other act or failure to act may result in a claim for recovery from the bond and recovery from the other security. When the amount of recovery cannot be determined by the Division due to the failure of the promoter to perform as required by G.S. 143, Article 68 or the rules set forth in this Chapter, the Division shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate provided however that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the Division.

(4) A bond or additional bond is acceptable if the following conditions are met:

- (A) The bond or additional bond shall have attached the Division Director as power of attorney, which power of attorney shall not have an expiration date;
- (B) The bond and additional bond shall provide surety in an amount equal to the face amount of the bond and additional bond and the aggregate annual liability shall be for the face amount of the bond and additional bond;
- (C) The bond and additional bond shall be made out in the name of the Division of Alcohol Law Enforcement, Boxing Authority Section and shall be negotiable on the authority of the Division representative;

The bond and additional bond may not be canceled, for any reason, unless the following conditions have been met, provided however, when an additional bond is required, as referenced in this Part (f)(4)(B) in this Rule shall not apply:

- (i) The surety company has provided the Division at least a 60 calendar-day written notice of intent to cancel; and
- (ii) The promoter's license has expired or the license has been returned to the Division with a request to cancel such license and canceled by the Division and the promoter has not filed an application for renewal of the license; and
- (iii) A period of 90 calendar days has elapsed since the most

- recent match of the promoter.
- (5) Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:
- (A) The security must be in the form of cash, a certified check or direct obligations of the United States or this state;
  - (B) The certified check shall be made payable to the Division of Alcohol Law Enforcement, Boxing Authority Section and, the certified check and the direct obligations of the United States or this state shall be negotiable on the authority of the Division representative;
  - (C) The Division shall not pay interest or other charges or fees to the promoter;
  - (D) The security may not be canceled or requested to be returned, unless the following conditions have been met, provided however, when an additional security is required, as referenced in this Part (f)(4)(B) of this Rule shall not apply:
    - (i) The promoter has provided the Division at least a 60-calendar day written notice of request for return or release of the security;
    - (ii) The promoter's license has expired or the license has been returned to the Division with a request for cancellation and canceled by the Division and the promoter has not filed an application for renewal of the license, or the promoter has substituted a bond for the security and the bond indicates on its face that it shall retroactively cover the promoter for all times and for all obligations of the promoter covered by the security for which the bond is being substituted;
    - (iii) A period of 90 calendar days has elapsed since the most recent match of the promoter; and
    - (iv) A period of one year has elapsed since the security was deposited with the Division. In the event of substitution of a bond for the security on the deposit with
- the Division, (iii) and (iv) in this Rule shall not apply.
- (g) More than one promoter may be involved in the promotion of a single program of matches. The promoter to whom the permit is issued shall be considered as the promoter of record and that promoter shall ensure that all the requirements and responsibilities of the promoter are accomplished as set forth in this Chapter, provided however that the bonds or other securities deposited with the Division of all promoters involved in the promotion of the program of matches shall be liable and used as surety against any claim or obligation involving the program of matches.
  - (h) A matchmaker shall make matches in which the contestants are of similar ability and skill.
  - (i) A matchmaker or promoter shall not contract with or negotiate with managers or contestants who are under suspension or whose license has been revoked in North Carolina or any other state.
  - (j) Contracts between contestants and the promoter shall be filed with the Division no later than at the time of weigh-in. All contracts between contestant and promoter must be executed on a form provided by the Division.
  - (k) After the application for a permit has been tentatively approved and a proposed match has been approved, the promoter may provide the names of the contestants for the approved match to the media. A promoter shall not advertise, sell or cause to be sold any tickets, distribute or cause to be distributed any complimentary tickets, enter into any contracts or in any way make any obligations, commitments or announcements relative to a match or program of matches unless the match or program of matches has been approved and the permit has been tentatively approved.
  - (l) The promoter shall, in the case of a substitution in a main event, post in a conspicuous place in front of the arena or directly over the cashier windows, notice of the substitution, and if time permits, shall advertise the substitution by radio and in a newspaper expected to have the widest circulation for the intended audience.
  - (m) A promoter may not pay, lend, or give a contestant an advance against his purse before a contest.
  - (n) The promoter shall ensure that each contestant scheduled to be engaged in a match has received the following examinations:
    - (1) A full dilated eye examination performed by a licensed ophthalmologist and submitted on a form provided by the Division within the past 12 months.
    - (2) HIV within the last 180 days.
    - (3) Hepatitis B surface antigens within the past 180 days.
    - (4) Hepatitis C antibody.
- If a contestant fails a Hepatitis B surface Antigen test, the contestant must pass a Hepatitis B "PCR" quantitative test. The quantitative limit must be within permissible limits according to the laboratory where test were administered. The test and results must not be older than 180 days from date of the receipt of report by the Division and must be submitted on letterhead of the laboratory, accompanied by contestant's declaration under penalty of perjury that the report represents the

contestant's most recent HIV, Hepatitis B and Hepatitis C test results.

(o) The Division representative shall, if he has cause to believe that a contestant may have suffered cardiac or neurological injury, direct the contestant to undergo an EKG, EEG, or CAT scan. The interpretation and diagnosis shall be filed with the Division. The promoter shall ensure that this requirement is satisfied.

(p) The promoter shall acquire insurance as described in Paragraph (aa) of this Rule.

(q) The promoter shall advise all managers and contestants under contract for a match or program of matches of the time and place of the weigh-in as designated by the Division representative and of the time and place of their appearance for the match or program of matches.

(r) The promoter shall provide the proper arena equipment, seating, services, facilities, personnel, ushers, ticket sellers, security and other equipment or services necessary to provide for the correct handling of the program of matches.

(s) The promoter shall contract with and compensate the officials required to be present and rendering services during a program of matches including an announcer, a timekeeper, two referees, three judges, plus two kick count judges for kickboxing and a ringside physician. A physician shall be present at the weigh-in.

(t) The promoter shall ensure that all tickets have printed on them the admission price and no ticket is sold for a price higher than the price shown on its face. Each complimentary ticket shall have printed on its face the face value of the ticket and in no case shall the dollar value shown on the face of the ticket be \$ 0.00. Each complimentary ticket shall be either marked "COMPLIMENTARY" in large letters on its face or shall be marked or punched in such a manner as to make it clear that the ticket is complimentary. A promoter may not issue complimentary tickets for more than four percent of the seats in the venue. The promoter shall collect a fee in the amount of one dollar and fifty cents (\$1.50) per each ticket sold to attend matches regulated by the Division. The total amount of this fee shall be deposited with the Division immediately after the conclusion of the program of matches. The promoter shall complete, certify and sign a form, supplied by the Division, indicating the total number of paid and complimentary tickets for the program of matches.

(u) A promoter shall not sell or issue, or cause to be sold or issued more tickets of admission for any match or program of matches than can be accommodated by the seating capacity of the premises where the match or program of matches is to be held.

(v) The following criteria and procedure shall be used for the refunding of the purchase price of tickets:

- (1) The promoter shall refund the full purchase price of a ticket for a match or program of matches if:
  - (A) The match or program of matches is postponed or the main event or entire program of matches is cancelled; and
  - (B) The person presenting the ticket for refund has presented the ticket within 30 calendar days after the scheduled

date of the cancelled match or program of matches.

(2) Within 10 calendar days after the expiration of the 30-calendar day period, the promoter shall pay all unclaimed ticket receipts to the Division. The Division shall hold the funds in the State Boxing Division Revenue Account for one year and make refunds during that time to any person presenting a valid ticket for a refund.

(3) Failure to comply with this Paragraph shall result in the forfeiture of the bond or other security and additional bond or additional security and revocation of the license of the promoter or co-promoter.

(w) The promoter shall retain all records necessary to justify and support the information submitted on any reports required by the Division for a period of two years following the date of the match or program of matches.

(x) The promoter shall provide, at each program of matches, the following:

- (1) A minimum of two physicians. The Division representative may waive the two physicians requirement and require only one physician based on consideration of the match type, number of contestants, and the experience, size and skill of the contestants participating the program of matches. The Division shall note these findings on Division forms and provide the promoter with a copy;
- (2) A portable defibrillator and canister of oxygen including all additional equipment necessary for proper operation.
- (3) An ambulance with two attendants; and
- (4) A clean stretcher and clean blanket which shall be in place at all times throughout the program of matches; No match shall begin or continue unless such equipment and personnel are on the premises, in a state of readiness and in a pre-designated readily assessable location known to the referee, physicians and the Division representative.

(y) The promoter shall have available at all times during the progress of a program of matches a person or persons capable of making emergency repairs, corrections and adjustments to the ring, lights and other necessary fixtures.

(z) The promoter shall supply the following items which shall be in good working order and available for use as needed:

- (1) A public address system;
- (2) Chairs, properly located in accordance with the floor plan;
- (3) A bell, positioned in a neutral location designated by the Division representative, for use by the timekeeper;
- (4) Two stools, a clean water bucket and a clean water container for drinking purposes for each contestant's corner;

- (5) Cleaning solution to clean blood and debris in the cage or ring. A solution of 10 percent bleach and 90 percent water is an acceptable solution; and
- (6) A complete set of numbered round cards, which shall be of such size as to make them legible from all parts of the arena.

(aa) The promoter for the match shall acquire the insurance coverage described in this Chapter and file with the Division written evidence of insurance no later than 72 hours prior to the date of the match. Such evidence of insurance shall specify the name of the insurance company, the insurance policy number, the effective date of the coverage and evidence that each contestant is covered by the insurance. Any deductible associated with the insurance policy shall be paid by the promoter. If the promoter fails to provide evidence of insurance as required in this Chapter the permit shall not be issued or, if issued, the permit shall be suspended and the program of matches shall be canceled. Each contestant in a match held in North Carolina shall be covered by insurance for medical, surgical and hospital care for injuries sustained while engaged in a match. The coverage shall be for an amount not less than two thousand five hundred dollars (\$2,500) for each contestant.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(j)).*

#### **14A NCAC 12 .0405 DUTIES OF MANAGERS**

- (a) A person shall not act as a manager for any contestant without having first obtained a manager license.
- (b) A manager shall not be licensed as a judge, or referee and nor shall he act as a judge or referee.
- (c) A manager shall not have financial or pecuniary interest in an opponent of his contestant.
- (d) A manager shall not act as a manager in any boxing or kickboxing match in this state which match is not sanctioned by the Division.
- (e) A manager shall not attempt to select or insist upon the selection of any referee or judge in a match in which a contestant under his management is to appear, nor shall he have the name of any such referee or judge written into the contract governing such match.
- (f) A manager shall not pay or contribute to the pay of any referee or judge.
- (g) A manager shall not coach or assist a contestant during a match, or by word or action attempt to heckle or annoy his opponent. A manager shall not enter the corner or the ring at any time during the match. If any manager enters the corner or the ring during any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue. However, a manager may be designated as a second for his

contestant and, if so designated, shall comply with the requirements set forth for seconds in the rules in this Chapter.

(h) The manager shall furnish to his contestant a statement of distribution of the purse together with the contestant's share of the purse no later than 24 hours after the manager receives the purse and promoter's statement from the promoter. The manager shall retain a copy of his statement of distribution of the purse, certified by him to be correct, with receipted vouchers for all expenditures and deductions for a period of six months following the date of the match and shall present the copy to the Division for inspection if requested to do so.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(k)).*

#### **14A NCAC 12 .0406 DUTIES OF REFEREES**

(a) If, during the course of a match, the referee receives an injury or is unable to continue acting in his capacity as referee, the representative shall:

- (1) Select another person to act as referee for the remainder of the match and program of matches; or
- (2) If a person is not available, cancel the remainder of the match and program of matches.

(b) A person who has financial or pecuniary interest in any contestant shall not be granted a referee license.

(c) A referee shall not be licensed as a promoter, manager, matchmaker, or contestant, nor shall he act as a promoter, manager, matchmaker or, contestant.

(d) A referee shall not act as a referee at any boxing, kickboxing, toughman or mixed martial arts match in this State unless the match is held in accordance with the Rules in this Chapter.

(e) Prior to being issued a license in accordance with Chapter 143, Article 68 of the North Carolina General Statutes, each referee shall:

- (1) Pass an examination composed and administered by the Association of Boxing Commission;
- (2) have completed a seminar within one year prior to application for licensure and every year after licensure. Any seminar completed after licensure shall satisfy the seminar requirement for a period of one year from its completion. Seminars shall contain general emergency medical information applicable to contestants participating in matches. Proof of successful seminar completion shall be submitted to and maintained by the Division;
- (3) Have either officiated previously in a Division approved sanctioned amateur competition and

submit to the Division verification of satisfactory officiating experience from a Division approved sanctioned amateur organization or have officiated in another state or jurisdiction within five years prior to applying for licensure. The Division shall approve a sanctioning organization if the Division determines that the organization has standards compatible to the rules in this Chapter. The applicant shall submit to the Division verification of satisfactory officiating experience from the state or jurisdiction or the applicant shall otherwise demonstrate knowledge and proficiency. The Division may consider any other training and experience including attendance at seminars conducted by the Division as satisfying the prior officiating requirements. Once an applicant has completed this officiating experience requirement, the Division shall waive this requirement for subsequent applications for licensure;

- (4) Submit to a physical examination to establish his or her physical fitness. The results of this examination shall be filed with the Division. The cost of the examination is the responsibility of the applicant. The results of the examination are valid for one licensing year.

All assigned referees must submit to a pre-match medical examination by a physician for general physical fitness. The Division representative shall ensure that this requirement is fulfilled the day of the match.

(f) Prior to the beginning of each match, and periodically for the duration of the match, the referee shall examine the contestants' gloves, equipment, and person to ensure that no unsafe or improper conditions exist. Before allowing a match to continue after a contestant has been knocked down, the referee shall wipe clean the surface of the gloves of the contestant who was knocked down.

(g) When a contestant receives an injury which the referee believes may incapacitate the contestant, the referee shall call time out and consult with the physician as to the advisability of allowing the match to continue. A person shall not attempt to render aid to a contestant who has been counted out during the course of a match before the physician has examined the contestant. However, the referee may remove the contestant's mouthpiece.

(h) The referee may:

- (1) Terminate a match at any time when he considers that one of the contestants has such superior skills or ability as to make such match unreasonably dangerous to the other contestant;
- (2) Disqualify a contestant who commits an intentional foul and award the decision to the opponent;

- (3) Terminate a match and disqualify either or both contestants if he considers that either or both contestants are not competing in earnest;
- (4) Terminate a match if either contestant has been injured and is in such condition that to continue the match might subject him to a more serious injury;
- (5) Temporarily or permanently halt a match if he believes that a health hazard exists, which hazard could reasonably be anticipated to create a hazard to the contestants or the public; and
- (6) Enforce discipline and the rules, as set forth in this Chapter, pertaining to the conduct and behavior of contestants, managers and seconds.

- (i) The referee shall not touch the contestants, except for the failure of either or both contestants to obey the break command.
- (j) The referee's remarks shall be limited to instructions to the contestants and to the chief seconds.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(l)).*

#### **14A NCAC 12 .0407 DUTIES OF JUDGES**

- (a) A judge shall not also be licensed as a promoter, manager, matchmaker, or contestant.
- (b) A judge shall not have a financial or pecuniary interest in any contestant.
- (c) A judge shall not act as a judge at any boxing or kickboxing match in this State unless the match is held in accordance with the rules in this Chapter.
- (d) Three scoring judges and two kick count judges (if applicable) shall be assigned to officiate in each match. If five judges are not available, the Division representative may appoint a referee to act in the capacity of judge.
- (e) The judges shall be located in seats designated for them by the Division representative.
- (f) A match shall not begin or continue unless all judges are in their designated seats.
- (g) Judges shall, if requested by the referee, assist in deciding whether fouls have been committed, and may bring other points to the attention of the referee at the end of a round.
- (h) Each Judge shall:

- (1) Be informed of and conversant with G.S. 143, Article 68 and the rules set forth in this Chapter;
- (2) Observe at all times during the match the performance of the contestants;
- (3) Appraise such performance fairly, accurately and expertly using G.S. 143, Article 68, and the rules set forth in this Chapter;

- (4) Inscribe the result of such appraisal after each round on the round score card or match score card, whichever is appropriate, according to the scoring system adopted in this Chapter; and
- (5) Complete and sign the match score card and deliver it to the referee at the conclusion of the match.

(i) Judges shall utilize forms provided by the Division for scoring.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9.0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(m)).*

**14A NCAC 12 .0408 DUTIES OF ANNOUNCERS**

- (a) A person shall not act as an announcer at any match held in North Carolina without first having obtained an announcer license.
- (b) An announcer shall not act as an announcer at any boxing or kickboxing match in this State unless the match is held in accordance with the rules in this Chapter.
- (c) The announcer shall make all announcements in the English language. He may also announce the match in another language after he has first made all announcements in the English language.
- (d) The announcer shall be at all times, subject and responsible to the Division representative in the discharge of his duties and shall accept directions only from the Division representative.
- (e) Announcers shall not make announcements or introductions of persons other than the contestants and officials unless authorized to do so by the promoter with the consent of the Division representative. Announcers shall not introduce an individual whose license has been revoked or is currently under suspension.
- (f) After both contestants and their chief seconds are in the ring, the announcer shall announce the name of each contestant, his weight as determined at the weigh-in, and other announcements as directed by the Division representative.
- (g) An announcer shall display impartiality in word and action while performing his duties.
- (h) The number of the round shall be announced or displayed at the 1-minute interval between rounds.
- (i) At the conclusion of each match, the announcer shall make the announcement of the win or draw in the manner and at the time as directed by the Division representative.
- (j) In the event of a knockout or a technical knockout, the announcer shall obtain the result and the official time of the termination of the match from the Division representative and shall announce the result, the time and the round in which the knockout or technical knockout occurred.
- (k) At the conclusion of each match and immediately after the announcements have been made, the announcer shall submit to

the Division representative any match score cards used by the judges and the referee that he may have in his possession.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9.0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(n)).*

**14A NCAC 12 .0409 DUTIES OF TIMEKEEPERS**

- (a) A timekeeper shall not act as a timekeeper at any boxing or kickboxing match in this State unless the match is held in accordance with the rules in this Chapter.
- (b) The timekeeper shall have with him during the performance of his duties a whistle, a 3-minute stopwatch, and a hammer or wooden mallet.
- (c) The timekeeper shall be located within his arm length of the bell in a seat designated by the Division representative. A match shall not begin or continue unless the timekeeper is in his designated seat.
- (d) The timekeeper shall not use the whistle, bell, or other instrument during the progress of a round except in the manner and at the time authorized in this Chapter.
- (e) Ten seconds before the beginning of each round, the timekeeper shall give warning to the seconds of each contestant by blowing the whistle. Ten seconds before the end of each round, the timekeeper shall give warning by pounding twice on the ring floor.
- (f) If directed by the referee, the timekeeper shall take time out.
- (g) The timekeeper shall strike the bell to signify the beginning and ending of each round.
- (h) If a match ends before the scheduled number of rounds, the timekeeper shall inform the referee and the Division representative of the exact duration of the match.
- (i) The timekeeper shall be familiar with and perform such other duties as set forth the rules in this Chapter.
- (j) In the event that an automatic timekeeping machine is available, it may be used, provided however, that manual timekeeping is maintained in the event of equipment failure.
- (k) The knockdown timekeeper shall have with him during the performance of his duties a knockdown watch which shall be examined and checked as to accuracy for each match by the Division representative.
- (l) The knockdown timekeeper shall be located adjacent to the timekeeper in a seat designated by the Division representative. A match shall not begin or continue unless the knockdown timekeeper is in his designated seat.
- (m) The knockdown timekeeper shall count each second for knockdowns by striking the floor of the ring or a wooden striking-board with a hammer or wooden mallet and, by stating in a loud voice, the elapse of each second.
- (n) The knockdown timekeeper shall be familiar with and perform such other duties as set forth in the rules in this Chapter.

*History Note: Authority G.S. 143-652.1; 143-655;*



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Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(o)).*

**14A NCAC 12 .0410 DUTIES OF SECONDS**

- (a) A second shall not act as a second at any boxing or kickboxing match in this State unless the match is held in accordance with the rules of this Chapter.
- (b) A second shall not have any financial or pecuniary interest in the opponent of his contestant.
- (c) Each contestant shall be allowed no more than three seconds, one of whom shall be designated the chief second, with the exception of a championship match in which four seconds are allowed. The chief second shall be in charge of the participant's corner and be responsible for the conduct of all seconds, and shall be held responsible for any violation committed by any second.
- (d) The chief second of any contestant shall have with him at the ringside the following articles:
  - (1) One stool;
  - (2) One pair of scissors;
  - (3) One towel;
  - (4) One clean water bucket;
  - (5) One container of drinking water;
  - (6) Tape and bandages; and
  - (7) Caustic to stop bleeding of minor cuts and lacerations.
- (e) First aid and other ring equipment of a second shall in all cases and at all times before, during, and after use, be available for inspection by the physician and the Division representative whose decision shall be final as to the propriety of its use.
- (f) Seconds shall not coach or in any way assist a contestant during a round, or by word or action attempt to heckle or annoy his contestant's opponent. Seconds shall remain seated in place and silent during the fight period of any round and shall not knock or pound on the ring floor.
- (g) A second shall not attempt to render aid to a contestant who has been counted out during the course of a match before the physician has examined the contestant.
- (h) If any second enters the ring during any fight period of any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue.
- (i) The spraying of water on any fighter between rounds is prohibited.
- (j) Only one second is allowed in the ring. A second shall not enter the ring until the bell indicates the end of a round. He shall leave the ring at the sound of the timekeeper's whistle indicating the beginning of the next round is imminent. Prior to the beginning of each round, the entire ring platform and ropes shall be cleared of all obstructions, including buckets, stools, towels, and other articles; and none of these articles shall again be placed on the ring platform until the bell has sounded indicating the end of the round.

- (k) All seconds working a corner must wear rubber or latex gloves.
- (l) If a second leaves the designated corner area, his contestant shall be disqualified.

*History Note: Authority G.S. 143-652.1; 143-655;  
Temporary Adoption Eff. January 1, 1996;  
Recodified from 18 NCAC 9.0106 Eff. April 1, 1996;  
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Amended Eff. November 1, 2004;  
Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(p)).*

**14A NCAC 12 .0411 DUTIES OF TRAINERS**

- (a) The trainer shall prepare the contestant for the match in which he is to engage and shall provide information and direction so as to ensure that the contestant is in good physical condition and is prepared to utilize and display his skills to the best of his ability.
- (b) A trainer shall not coach or in any way assist a contestant during a match, or by word or action attempt to heckle or annoy his participant's opponent.
- (c) A trainer shall not enter the corner or the ring at any time during the match and shall remain seated and silent during the match.
- (d) If any trainer enters the corner or the ring during any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue.

*History Note: Authority G.S. 143-652.1;  
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Amended Eff. November 1, 2004;  
Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(q)).*

**14A NCAC 12 .0412 DUTIES OF PHYSICIANS**

- (a) A physician shall not have a financial or pecuniary interest in any contestant participating in a match in which the physician is acting as a ringside physician.
- (b) At least one physician shall be present at each match and render service and assistance as provided for in the rules in this Chapter. A physician shall be located near each contestant's corner in a designated seat for the duration of each match. A match shall not be allowed to begin or continue unless at least one physician is in his designated seat.
- (c) The physician shall provide medical assistance for any illness or injury sustained by any person under the jurisdiction of the Division.
- (d) If, at any time during the match, the physician is of the opinion that a contestant has received severe punishment or injury, or that to continue the match would pose the threat of unreasonable harm or injury to a contestant, the physician shall advise the referee that the match should be terminated.

(e) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, the physician shall notify the Division representative who shall temporarily halt the match. The injured referee shall be attended by the physician until he is no longer in danger or has been transferred to the care of another physician or emergency medical personnel.

(f) In the event of injury to or illness of any person under the jurisdiction of the Boxing Authority Section of the Division and while located on the premises where a program of matches is being conducted, the physician shall have complete charge of such person and shall be accorded the full cooperation of the Division representative and all licensees present.

(g) Whenever a knockout occurs in any match, the physician shall examine the contestant knocked out immediately after the match. In the event of a knockout or other injury, the physician shall remain on the premises to provide medical attention as needed. When the physician is satisfied that the injured or knocked out contestant has recovered to the extent that the physician releases the contestant from his care, he shall, prior to releasing him, instruct him as to the danger signs of which the contestant should be aware and which would indicate the need to seek immediate medical attention.

(h) The physician shall not leave the premises until after the decision in the final match has been rendered and he is satisfied that his services are no longer necessary.

*History Note: Authority G.S. 143-652.1; 143-655; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9.0106 Eff. April 1, 1996; Eff. April 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. November 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0111(r)).*

#### **14A NCAC 12 .0413 CONTRACTS AND FINANCIAL ARRANGEMENTS**

(a) A promoter or matchmaker shall not contract with or negotiate with managers or contestants who are under suspension or whose license has been revoked in North Carolina or any other state.

(b) All contracts shall be in writing and shall be filed with the Division within seven days after execution. The Division shall be notified immediately of any changes in contractual status, which change shall be in writing, signed by all parties of the contract and filed with the Division within seven calendar days after execution. Contracts between contestants and the promoter shall be filed with the Division no later than at the time of the weigh-in.

(c) Except as provided in G.S. 143-651(13)a, only a licensed manager may negotiate or contract for or on behalf of any contestant with any promoter or matchmaker under the jurisdiction of the Division. Any contract or negotiation entered into by any other person is unenforceable.

(d) A manager shall not negotiate, obligate or contract for matches for a contestant not under contract to him.

(e) Managers shall file changes in contractual status with the Division no later than at the time of the weigh-in.

(f) Contracts shall not be entered into which entitles a manager or group of managers to a total fee in excess of 33 1/3 percent of the gross earnings of the contestants, and no contract containing such a provision is valid or binding.

(g) Release of a contestant from a contestant or manager contract shall be in writing and filed with the Division.

(h) A manager of a contestant shall not sell, assign, transfer any interest, or in any way encumber, or attempt to sell, assign, transfer any interest or in any way encumber in whole or in part, any interest which he holds in any contract for services of the contestant without notice to the contestant and without notice to the Division.

(i) A person shall not sign a contract with a contestant as a promoter, manager, or matchmaker, unless the person has first applied for and been granted the appropriate license, or the contract is not valid.

(j) Each contract between a manager and a contestant shall contain provisions governing its duration, division of the contestant's purse, and any minimum sum guaranteed to the contestant by the manager. Each contract shall provide and if not included, shall be deemed to include, that it is automatically terminated if the license of either party is revoked by the Division or if the manager fails to renew his license before its expiration date. If the license of either party is suspended, the contract is not binding upon the other party during the period of suspension, provided however that if the manager's license is revoked or suspended for a period of greater than sixty days, the contract shall be automatically terminated.

(k) The Division may withhold any or all of any manager's share of a purse in the event of a contractual dispute as to entitlement to any portion of the purse until such dispute is resolved. If the Division deems it appropriate, the Division may compel interested parties over any disputed funds into the appropriate court for resolution of the dispute prior to release of all or any part of the funds.

(l) No manager shall attempt to select or insist upon the selection of any referee or judge in a match in which a contestant under his management is to appear, nor shall he have the name of any such referee or judge written into the contract governing such match.

(m) No manager shall pay or contribute to the pay of any referee, judge, or timekeeper.

(n) For accounting purposes, a promoter may make checks payable to contestants but shall immediately cash the checks. A contestant shall not be required to accept a payment by check in lieu of cash. The promoter shall retain receipted vouchers for all expenditures and deductions, for a period of six months, during which time the promoter shall provide to the Division upon demand a copy. The total amount of all purses, official fees and administrative costs shall be deposited in the form of American currency to the Division representative at least two hours before the start of the first match.

(o) The manager shall furnish to the contestant he manages a statement of distribution, together with the contestant's share of the purse, no later than 24 hours after the manager receives the purse and a statement from the promoter. The manager shall retain receipted vouchers for all expenditures and deductions, for

one year following the expiration date of the contract between manager and contestant, during which time the manager shall provide to the Division upon demand a copy.

(p) A contract, which states that a contestant shall fight exclusively for one promoter or at the option of the promoter is not valid and the division shall not resolve disputes arising under any such promoter contract.

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Eff. April 1, 1996;*

	<u>Weight Class</u>	<u>Weight</u>	<u>Allowance</u>
(1)	Flyweight	112 pounds or under	not more than 3 pounds.
(2)	Bantamweight	over 112 pounds to 118 pounds	not more than 3 pounds.
(3)	Featherweight	over 118 pounds to 126 pounds	not more than 5 pounds.
(4)	Junior Lightweight	over 126 pounds to 130 pounds	not more than 7 pounds.
(5)	Lightweight	over 130 pounds to 135 pounds	not more than 7 pounds.
(6)	Junior Welterweight	over 135 pounds to 140 pounds	not more than 9 pounds.
(7)	Welterweight	over 140 pounds to 147 pounds	not more than 9 pounds.
(8)	Junior Middleweight	over 147 pounds to 154 pounds	not more than 11 pounds.
(9)	Middleweight	over 154 pounds to 160 pounds	not more than 11 pounds.
(10)	Light Heavyweight	over 160 pounds to 175 pounds	not more than 12 pounds.
(11)	Cruiserweight	over 175 pounds to 190 pounds	not more than 15 pounds.
(12)	Heavyweight	over 190 pounds	no limit

(b) Contestants in matches shall be weighed on the same scale at a time and place to be determined by the Division representative, in the presence of the opponent and the Division representative. All contestants, except heavyweights, are limited to shirt, shorts and socks. The weigh-in shall occur 12 hours or less prior to the scheduled starting time of the first match of the program of matches, provided however, that where a program of matches is scheduled to begin in the afternoon, the Division representative, if requested by the promoter, may approve an early weigh-in time of 6:00 p.m. or later the evening before the day of the program of matches. Substitution of a contestant or contestants shall not be allowed after the weigh-in.

(c) Failure of a contestant to be present at the weigh-in at the time and place designated by the Division representative shall result in the following penalties, which are in addition to his loss of right to view the weigh-in of his opponent:

- (1) For the first occurrence, the contestant shall be penalized twenty-five dollars (\$25.00);
- (2) For the second occurrence, the contestant shall be penalized fifty dollars (\$50.00);
- (3) The third occurrence shall be penalized by suspending the license of the contestant and not allowing the contestant to engage in the program of matches; and
- (4) The fourth occurrence shall be penalized by revoking the license of the participant.

(d) For safety purposes, if, at the time of the official weigh-in, the weight of any contestant in a match fails to meet the weight parameters of the rules set forth herein, he shall have two additional hours to meet such weight parameters. No contestants that weighs 147 pounds or less may lose more than two pounds in less than 12 hours of a match. No contestant weighing more

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#### **14A NCAC 12 .0501 WEIGH-INS-BOXING**

(a) Boxers shall be classified by weight as shown in the following schedule. A contestant shall not be permitted to compete if the difference in weight between the contestants exceeds the difference shown in the following schedule:

than 147 pounds, with the exception of heavyweights, may lose more than three pounds in less than 12 hours of a match. This Paragraph also applies to second day weigh-ins.

(e) At the time of weigh-in, each contestant in a match shall provide to the Division representative for inspection a picture identification issued by a federal, state or local unit of government or other governmental authority. The contestant may utilize the passport issued by another state in which he is licensed provided that such passport contains the information as required in this Paragraph:

- (1) Legal name of contestant;
- (2) Ring name of contestant;
- (3) A passport type picture which shows the face of the contestant. Passports issued by states that do not require a picture shall be accompanied by another form of positive identification;
- (4) Address of contestant;
- (5) Age of contestant;
- (6) Date, place, opponent and result of the contestant's professional contests since the issuance of the passport, which entries shall be signed by the Division representative as designated by the rules in this Chapter or the rules of the jurisdiction in which the match occurred; and
- (7) Signature of the contestant and a statement attesting to the validity of the information contained in his passport.

(f) The contestant may be required to complete a contestant information form which shall be provided by the Boxing Authority Section of the Division. Any contestant who refuses

to complete this form shall not engage in any match in North Carolina.

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*Temporary Adoption Eff. January 1, 1996;*

*Eff. April 1, 1996;*

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**14A NCAC 12 .0502 EQUIPMENT—BOXING**

(a) Boxing Gloves--All boxing contestants shall wear thumb attached boxing gloves. Boxing gloves weighing a minimum of eight ounces shall be worn by contestants weighing 147 pounds or less. Boxing gloves weighing a minimum of 10 ounces shall be worn by contestants weighing more than 147 pounds. Spare boxing gloves, in good condition, must be kept on hand by the promoter. All gloves must pass the inspection of the referee or the Division representative, and the Division may require a brand new set of gloves for any match.

(b) Bandages and handwraps for boxing and kickboxing contestants shall meet the following requirements:

- (1) In all weight classes except light heavyweight, cruiserweight and heavyweight, all bandages and handwraps applied to each hand of a contestant shall be restricted to soft cloth, not more than 10 yards in length and two inches in width, held in place by not more than 4 feet of surgical tape.
- (2) In the light heavyweight, cruiserweight and heavyweight weight classes, all bandages and handwraps applied to each hand of a contestant shall be restricted to soft cloth, not more than 12 yards in length and two inches in width, held in place by not more than 8 feet of surgical tape.
- (3) The use of six inches of adhesive tape, not more than one inch in width, shall be permitted across the back of each hand before bandaging or wrapping the hands, provided however, that the tape shall not be applied across the knuckles.
- (4) All bandages and handwraps shall be applied and adjusted in the dressing room in the presence of the inspector. The inspector shall initial or in some other manner mark the bandage or handwrap on each hand so as to be able to determine at the conclusion of the match whether or not the bandage or handwrap was tampered with after the inspector initially examined the bandage or handwrap.

(c) Each boxing contestant's apparel and appearance shall meet the following requirements:

- (1) Each contestant shall wear boxing trunks, the belt of which shall not extend above the waistline.
- (2) Each contestant shall wear a protective cup, which shall be firmly adjusted before entering the ring.

- (3) An individually fitted mouthpiece shall be in the contestant's mouth at all times during the fight period of each round as provided by the rules in this Chapter.
- (4) Each contestant shall wear shoes made of soft material and not fitted with spikes, cleats, hard soles or hard heels.
- (5) Each contestant shall wear an abdominal guard of standard type which provides sufficient protection to withstand any low blow.
- (6) Although not required, female contestants may wear a protective pelvic girdle to cover the pubic area, coccyx and sides of the hips.
- (7) Female contestants must wear a breast protector.
- (8) All contestants shall be clean and present a neat appearance. This also applies to the contestants' ring apparel. If the Division representative determines the hair on the contestant's head or face presents any potential hazard to the safety of the contestant, his opponent or will interfere with the supervision of the match he shall notify the contestant of such determination at the time of the weigh-in. If, at the time the inspector makes the final inspection of the contestant before the match begins, the contestant has not made the necessary corrections, he shall not be permitted to fight and shall be disqualified.

Any contestant who fails to comply with the requirements in this Paragraph shall not be allowed to participate in a match and such failure to comply with the requirements in this Paragraph shall be grounds for suspension of the contestant's license.

(d) A boxing ring shall meet the following requirements:

- (1) The ring shall be not less than 16 feet square nor more than 24 feet square within the ropes. The ring floor shall extend at least 18 inches beyond the ropes. The ring floor shall be padded to a thickness of at least 1 inch, and shall be padded with insulate or another similar closed-cell foam. Padding shall extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.
- (2) The ring platform shall not be more than five feet above the floor of the building, and shall be provided with steps for use by contestants and ring officials.
- (3) Ring posts shall be of a metal not less than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. Ring posts shall be at least 18 inches away from the ropes.
- (4) There shall be four ring ropes, not less than one inch in diameter and wrapped in soft material. The ring ropes shall extend in

- parallel lines 18, 30, 42, and 54 inches in height above the ring floor.
- (5) The floor plan and apron seating arrangements shall be approved by the Division representative. A crowd control barrier must be installed at least eight feet away from the ring, cage or fenced area and before the first spectator's seats. This barrier shall be capable of restraining spectators from entry to the ringside area. An isle shall be left clear from the contestant's dressing room to the ring. Clear access to the ring shall also be available for emergency medical personnel. Only match officials may sit at ringside. Alcoholic beverages are not permitted at ringside.

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**14A NCAC 12 .0503 SCORING – BOXING**

- (a) Rounds in a boxing match shall be as follows:
- (1) The length of each round of a match shall be three minutes with one minute rest intervals between rounds.
  - (2) A match shall be scheduled for four, six, eight, or 10 rounds.
  - (3) A championship match shall be scheduled for 12 rounds and shall be sanctioned by a sanctioning organization.
- (b) The following rules apply to scoring of boxing matches:
- (1) Scoring shall be by the "10 point must" system. The winner of any round shall be awarded 10 points. The loser of any round shall be awarded one to nine points. When a round is even, each contestant shall be scored 10 points.
  - (2) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria, which criteria is listed in the order of importance:
    - (A) The only fair punch is a punch delivered with the padded knuckle part of the glove to the front or side of the head or body above the belt, and the contestant who delivers such a punch shall be awarded points in proportion to its damaging effects.

- (B) A clean knockdown shall be highly scored. A knockdown is scored as soon as it occurs. The contestant who takes advantage of the full nine-second count shall be credited with ring generalship that would not be credited to him if he arose immediately and, in a groggy condition, tried to continue. If he arises before the count of nine and handles himself well, either aggressively or defensively after he is on his feet, he shall be credited with ring generalship. If the contestant who is down arises during the count, the referee may, if he deems it advisable, step between the contestants for such period of time to assure himself that the contestant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both contestants to proceed with the match. The following shall be used to determine when a knockdown has occurred and the procedure to be followed after a knockdown has occurred:

- (i) A contestant shall be considered to be knocked down when:
  - (I) Any part of his body, other than his feet, is on the floor;
  - (II) He is hanging helplessly over the ropes;
  - (III) He is rising from a down position; or
  - (IV) At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.
- (ii) When a contestant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner and shall immediately begin a 10-second count over the contestant who is down. He shall announce the passing of the seconds, accompanying the count

- with a downward motion of his arm. The knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.
- (iii) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out, provided however, that if the contestant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the contestant who was counted out shall be declared the loser by technical knockout.
- (iv) If a contestant is knocked down and is down at the time the bell rings to end the round, the knockdown timekeeper shall continue to count. If the downed contestant fails to rise before the count of 10, he shall be considered to have been knocked out in the next subsequent round. If a contestant is knocked down and is down at the time the bell rings in the final round, the knockdown timekeeper shall cease the count and the contest shall be deemed to be concluded.
- (v) If both contestants are knocked down at the same time, counting shall be continued as long as either remains down.
- (vi) A contestant who has been knocked down shall take a count of eight whether or not he has regained his feet before the count of eight has been reached. The referee may, if in his opinion a contestant has been dazed or hurt but remains standing, administer a standing eight-count. A standing eight-count is considered a knockdown.
- (vii) If a contestant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.
- (viii) When a contestant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the contestant requires immediate medical attention, the referee shall not be required to count to 10.
- (ix) If a contestant is knocked out of or has fallen out of the ring the referee shall allow the contestant no more than 20 seconds, to re-enter the ring without the assistance of anyone, provided however, that if the contestant was knocked out of the ring as a result of a legal technique and is unable to regain his feet, the referee shall consider this to be a knockdown and shall begin a 10 second count. The opponent shall be ordered to retire to the furthest neutral corner, where he shall remain until signaled by the referee to continue with the match. If a contestant intentionally falls through the ropes, his seconds shall not assist him and, the contestant shall be considered to have been knocked down and the appropriate count and procedures for knockdowns shall be initiated by the referee. If a contestant, enters the ring and immediately goes down, the referee shall begin a 10 second count or shall continue a 10 second count started after the contestant

was knocked out of the ring. Any contestant who does not immediately re-enter the ring shall be deemed to have been knocked down and the appropriate count and procedures used in the event of a knockdown shall be used. If, in the opinion of the referee, the contestant has been dazed or hurt but remains standing, the referee shall administer a standing eight-count.

(x) If the contestant who is not down and who has been ordered to a neutral corner fails to stay in the neutral corner the referee and knockdown timekeeper shall cease the count and shall not resume the count until the contestant has retired to the neutral corner.

(xi) If a towel is thrown into the ring when a contestant is down, the towel shall be ignored and the referee and knockdown timekeeper shall continue to count as if it had not appeared.

(c) If a contestant slips, falls down or is pushed down, the referee shall order him to his feet immediately.

(d) The following rules apply to the determination of a win or draw:

- (1) A contestant who knocks out his opponent shall be declared the winner of the match.
- (2) If both contestants are knocked down at the same time and both contestants remain down until the count of 10, the match shall be considered a technical draw.
- (3) A contestant who is awarded a technical knockout shall be declared the winner of the match.
- (4) A contestant who is knocked down three times in any one round shall be considered to have lost the match by a technical knockout. If requested by a sanctioning body, this Rule shall be waived for a championship fight.
- (5) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each contestant, the scores for all rounds shall be compiled for each judge and the following criteria shall be used:
  - (A) Three wins shall be declared a win;
  - (B) Two wins and one draw shall be declared a win;

- (C) Two wins and one loss shall be declared a win;
- (D) One win and two draws shall be declared a draw;
- (E) One win, one draw and one loss shall be declared a draw;
- (F) One win and two losses shall be declared a loss;
- (G) Three draws shall be declared a draw;
- (H) Two draws and one loss shall be declared a draw;
- (I) One draw and two losses shall be declared a loss; and
- (J) Three losses shall be declared a loss.

(6) A contestant shall not be declared the winner of a match on a claim of low blow foul and a contestant shall not lose a match by reason of a low blow foul.

(7) No contestant shall be awarded a match based on an unintentional foul unless the foul was unintentional butting. If a match is temporarily halted because of an unintentional foul, the referee shall determine whether the contestant who has been fouled can continue. If the referee determines that the contestant can continue, the referee shall order the match to be continued. If the referee determines that the contestant is unable to continue the match as a result of an unintentional foul other than for butting, the match shall be terminated but no decision shall be rendered by the referee, who shall order the purses of both contestants withheld. The Division representative shall then rule as to the disposition of the purses based on the prior contractual agreement between the promoter and the contestants. If no such contractual provision exists, then the purses shall be disposed of as follows: If the unintentional foul occurs in any round during the first half of the match, the purses shall revert back to the promoter. If the unintentional foul occurs in any round during the second half of the match, the Division representative shall award the purses in accordance with the determination of win, loss or draw based upon the score cards of the judges. If a contestant is unintentionally butted in a match so that he cannot continue, the referee shall declare the result of the match using the following criteria:

- (A) If the unintentional butt occurs prior to the scoring of the third round and the fouled contestant is unable to continue, the result shall be a technical draw.
- (B) During a four or six round match, if the unintentional butt occurs in any round subsequent to the scoring of the third round or occurs prior to the

scoring of third round but the contestant is not determined to be unable to continue until after the scoring of the third round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(C) During an eight round match, if the unintentional butt occurs in any round subsequent to the scoring of the fourth round or occurs prior to the scoring of fourth round but the contestant is not determined to be unable to continue until after the scoring of the fourth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(D) During a 10 round match, if the unintentional butt occurs in any round subsequent to the scoring of the fifth round or occurs prior to the scoring of fifth round but the contestant is not determined to be unable to continue until after the scoring of the fifth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(E) During a 12 round match, if the unintentional butt occurs in any round subsequent to the scoring of the sixth round or occurs prior to the scoring of sixth round but the contestant is not determined to be unable to continue until after the scoring of the sixth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(8) When an injury is produced by a fair punch but because of the severity of the injury the match cannot continue, the injured contestant shall be declared the loser by a technical knockout.

*History Note: Authority G.S. 143-652.1;  
Temporary Adoption Eff. January 1, 1996;  
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#### **14A NCAC 12 .0504 FOULS—BOXING**

(a) In a boxing match, except in the case of punching while the opponent is down, a foul, whether intentional or unintentional, may result in a deduction of a point, as determined by the referee. The first offense of punching while down shall result in the deduction of two points from the score of the contestant who

punches his opponent while his opponent is down, unless the first offense is determined by the referee to be a blatant disregard of the rule. If such determination is made by the referee, the contestant committing the foul shall be immediately disqualified and his opponent shall be declared the winner by disqualification. The second offense of punching while down shall result in the disqualification of the contestant committing the offense and his opponent shall be declared the winner by disqualification. In the case of all other fouls, the referee shall determine whether or not a point is to be deducted, using as his criteria the severity of the foul and its effect upon the opponent. When the referee determines that he shall deduct a point from a contestant, he shall immediately advise the contestant and judges of such action. The referee shall not tolerate continual and repeated commission of fouls by a contestant. The referee shall give warning to a contestant who continually and repeatedly commits fouls and when, in the opinion of the referee, the contestant has displayed persistent disregard for the rule governing the commission of fouls, the referee shall disqualify the contestant, terminate the match and provide such findings to the Division representative for appropriate action. Points for fouls shall be deducted in the round in which the fouls occurred. A contestant shall not be penalized in a subsequent round for fouls that occurred in a previous round. The following actions are considered to be fouls, the committing of which may result in a deduction of points:

- (1) Major fouls consist of the following:
  - (A) Punching below the belt;
  - (B) Punching an opponent who is down or is getting up after being down;
  - (C) Holding an opponent with one hand and punching with the other;
  - (D) Holding or deliberately maintaining a clinch after several warnings;
  - (E) Wrestling or kicking;
  - (F) Striking an opponent who is helpless as a result of punches received and so supported by the ropes that he does not fall;
  - (G) Butting with the head or shoulder or using the knee;
  - (H) Punching with an open glove, or with the butt of the hand, the wrist or elbow and all backhand punches;
  - (I) Purposely going down without being punched;
  - (J) Striking deliberately at that part of the back near the spine and over the kidneys;
  - (K) The deliberate use of the pivot punch or rabbit punch or any punch struck at the back of the neck near the base of the skull and which is not the result of the opponent turning his head to avoid a punch;
  - (L) Jabbing the opponent's eyes with the thumb of the glove;
  - (M) The use of abusive language in the ring;



- (N) Any unsportsmanlike trick or action causing injury to an opponent;
- (O) Punching on the break;
- (P) Punching after the bell has sounded ending the round;
- (Q) Roughing at the ropes;
- (R) Pushing an opponent around the ring or into the ropes;
- (S) Tripping; or
- (T) Intentional spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.

(2) Minor fouls include:

- (A) Punching or flicking with the open glove; and
- (B) Clinching after warning has been given.

(b) Points for aggressiveness shall be awarded to the contestant who sustains the actions of a round by the greatest number of skillful attacks.

(c) A contestant shall be awarded points for sportsmanlike conduct, close adherence to the rules and refraining from taking technical advantage of situations which are unfair to his opponent. Points shall be deducted from a contestant for unsportsmanlike conduct, disregard of the rules and taking technical advantage of situations which are unfair to his opponent.

(d) Points shall be given for clever defensive work such as avoiding or blocking a punch.

(e) Points shall be awarded where ring generalship is conspicuous. Ring generalship includes the ability to:

- (1) Quickly recognize and take advantage of every opportunity presented;
- (2) Cope with a diversity of situations;
- (3) Anticipate and neutralize an opponent's form of attack; and
- (4) Force an opponent to adopt a style of boxing at which he is not particularly skillful.

(f) Points shall be deducted when a contestant persistently delays the action of a match by clinching, holding or lack of aggressiveness.

(g) If a contestant refuses to continue a match while physically able to do so, the referee shall disqualify him, and award the match to his opponent. The referee shall provide a written report to the Division. If the Division determines that the contestant refused to continue a match while physically able to do so, the Division shall impose a period of suspension for a period not less than six months and may impose a civil penalty.

(h) In any case where the referee determines that both contestants are not honestly competing, that a knockdown is intentional and predetermined by both parties or a foul has been prearranged so as to cause the match to be terminated, he shall not finish the knockdown count or disqualify either contestant for fouling or render a decision, but shall instead terminate the match not later than the end of the round and order the promoter to surrender the purses of both contestants to the Division representative pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.

(i) If, in the opinion of the physician, the referee or a judge has received an injury, or has become ill the seriousness of which prevents him from continuing to officiate, time out shall be called and another official shall be immediately assigned by the Division representative to replace the incapacitated person.

(j) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:

- (1) There was collusion affecting the result of any match;
- (2) The compilation of the round or match score cards of the referee and judges shows an error which indicates that the decision was awarded to the wrong contestant;
- (3) There was a violation of the rules in this Chapter, relating to drugs or foreign substances; or
- (4) There was a violation of G.S. 143, Article 68 or the rules set forth in this Chapter which violation affected the result of the match.

If it is determined that any of the above occurred, the decision rendered shall be changed in an equitable manner as directed by the Division.

(k) As a result of injuries or suspected injuries sustained or suspected to have been sustained in any match, the Division representative shall, based upon the recommendation of the physician, order a medical examination to be given to any contestant or referee at any time if he has cause to believe that the health or safety of the contestant or referee is in jeopardy.

(l) When it appears to a physician, for whatever reason and regardless of how the injury was sustained, that a contestant or referee is no longer able to safely continue to compete or officiate, the physician shall report such findings, in writing, to the Division representative. If the physician has so recommended, the contestant or referee shall not be permitted to participate until such time as he is certified as fit to participate by the physician.

(m) A participant, losing by knockout or having been rendered a decision of technical draw as a result of being counted out in any jurisdiction, shall be automatically suspended for a period of time to be determined by the Division representative based upon the recommendation of the physician, or 60 calendar days from the date of the knockout or technical draw, whichever is longer. A contestant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition or contact sparring for training purposes he shall be examined by a physician. The contestant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his permission for the physician to consult with the physician who treated him at the time of the previous knockout or technical draw. The results of this examination shall be filed with the Division prior to any further matches being approved for the contestant.

(n) A contestant losing by technical knockout shall be automatically suspended for a period of time to be determined by the Division representative based upon the recommendation of the physician, or 30 calendar days from the date of the technical knockout, whichever is longer. A contestant shall not

engage in any match, contact exhibition or contact sparring for training purposes during the suspension period without the approval of the physician.

(o) Any contestant who has lost six consecutive matches shall be automatically suspended and not be reinstated unless he has been examined and pronounced fit by a physician. In the case of repeated knockouts and severe beatings, the license of the contestant shall be revoked and shall not be reissued or renewed.

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Eff. April 1, 1996;  
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Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0108).*

*History Note: Authority G.S. 143-652.1;*

**14A NCAC 12 .0601 WEIGH-INS-KICKBOXING**

Kickboxing shall be classified by weight as shown in the following schedule. A contest shall not be permitted if the difference in weight between the contestants exceeds the difference shown in the following schedule:

	<u>Weight Class</u>	<u>Weight</u>	<u>Allowances</u>
(1)	Flyweight -	118 pounds or under	not more than 4 pounds
(2)	Bantamweight -	over 118 pounds to 125 pounds	not more than 5 pounds
(3)	Featherweight -	over 125 pounds to 132 pounds	not more than 6 pounds
(4)	Lightweight -	over 132 pounds to 140 pounds	not more than 7 pounds
(5)	Light Welterweight -	over 140 pounds to 148 pounds	not more than 7 pounds
(6)	Welterweight -	over 148 pounds to 155 pounds	not more than 7 pounds
(7)	Light Middleweight -	over 155 pounds to 164 pounds	not more than 8 pounds
(8)	Middleweight -	over 164 pounds to 170 pounds	not more than 9 pounds
(9)	Light Heavyweight -	over 170 pounds to 180 pounds	not more than 10 pounds
(10)	Heavyweight -	over 180 pounds to 195 pounds	not more than 12 pounds
(11)	Super Heavyweight	over 195 pounds	no limit

*History Note: Authority G.S. 143-652.1;  
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Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0113).*

**14A NCAC 12 .0602 EQUIPMENT-KICKBOXING**

(a) Each kickboxing contestant shall wear the following:

- (1) Kickboxing type trunks or karate style long pants, the belt of which does not extend above the waistline;
- (2) A protective groin cup, which shall be firmly adjusted before entering the ring;
- (3) An individually fitted mouthpiece which shall be in the contestant's mouth at all times during the fight period of each round;
- (4) Breast protectors for female contestants; and
- (5) An abdominal guard which provides sufficient protection to withstand any low blow.

Female contestants may wear a protective pelvic girdle to cover the pubic area, ovaries, coccyx and sides of the hips.

(b) All contestants shall be clean and present a neat appearance. This also applies to the contestants' ring apparel. If the Division representative determines the hair on the contestant's head or face presents any potential hazard to the safety of the contestant, his opponent or will interfere with the supervision of the match, he shall notify the contestant of such determination at the time of the weigh-in. If, at the time the inspector makes the final inspection of the contestant before the match begins, the contestant has not made the necessary corrections, he shall not be permitted to fight and shall be disqualified.

(c) Any contestant who fails to comply with the requirements in this Rule shall not be allowed to participate in a match and such failure to comply with the requirements in this Rule shall be grounds for suspension of the contestant's license.

(d) All contestants shall wear thumb attached kickboxing gloves, and footpads. Kickboxing gloves weighing a minimum of eight ounces shall be worn by contestants weighing 147 lbs. or less. Kickboxing gloves weighing a minimum of 10 ounces shall be worn by contestants weighing more than 147 lbs. A supply of kickboxing gloves and footpads in good condition, shall be kept on hand by the promoter. All gloves and footpads must pass the inspection of the referee or the Division representative, and the Division may require a new set of gloves or footpads for any event. Laces of gloves shall be knotted on the back of the wrist with tape applied over the laces so as to prevent injury to the opponent.

(e) Wrapping of hands is required, and shall conform to the standards as described in Rule .0502(b) of this Section. Footpads are required and shall be of a soft material of a type and construction normally used for kickboxing.

(f) Shinguards are required and shall be of a soft material of a type and construction normally used for kickboxing. Shinguards shall be held in place at two locations using no more than two windings of one 2 inch surgical tape.

- (g) The ring shall meet the requirements in Rule .0502(d) of this Section.
- (h) The length of each round of a match shall be two minutes with one minute rest intervals between rounds with a 10 second warning signal.
- (i) A match shall be scheduled for four, six, eight, or 10 rounds.

*History Note: Authority G.S. 143-652.1;  
Temporary Adoption Eff. January 1, 1996;  
Recodified from 18 NCAC 9 .0108(c)-(k) Eff. April 1, 1996;  
Eff. April 1, 1996;  
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Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0114).*

**14A NCAC 12 .0603 SCORING-KICKBOXING**

(a) Scoring kickboxing shall be by the "10 point must" system. The winner of any round shall be awarded 10 points by the scoring judge, provided however that penalty points shall be deducted for fouls or for failure to execute the eight required kicks. The loser of any round shall be scored seven to nine points, provided however that penalty points may be deducted for fouls or for failure to execute the number of required kicks. Scoring using half points (0.5) is permitted.

(b) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria, which criteria is listed in the order of importance:

- (1) Offensive full-contact professional karate punching, kicking and striking techniques, with the exception of those techniques identified in this Chapter as fouls, are appropriate, and the execution of such techniques in an effective and timely manner shall be scored highly. Professional karate techniques include all techniques in various karate, kung fu, tae kwon do and similar fighting systems, which techniques may be executed according to the individual kickboxer's style or system of fighting.
- (2) A clean knockdown shall be highly scored. A successful sweep is not considered a knockdown. The following shall be used to determine when a knockdown has occurred and the procedure to be followed after a knockdown has occurred:
  - (A) A contestant shall be considered to be knocked down when:
    - (i) Any part of his body, other than his feet, is on the floor;
    - (ii) He is hanging helplessly over the ropes;
    - (iii) He is rising from a down position;

- (iv) He purposefully falls down without being hit; or
- (v) At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.

(B) When a contestant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin a 10-second count, of which eight seconds shall be mandatory, over the contestant who is down. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The assistant or knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.

(C) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out, provided however, that if the contestant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the contestant who was counted out shall be declared the loser by technical knockout.

(D) If a contestant is knocked down and is down at the time the bell rings to end the round, the knockdown timekeeper shall continue to count. If the downed contestant fails to rise before the count of 10, he shall be considered to have been knocked out in the subsequent round. If a contestant is knocked down and is down at the time the bell rings in the final round, the knockdown timekeeper shall continue to count and if the downed contestant fails to rise before the count of 10 the downed contestant shall be considered to have been knocked out in the final round.

(E) If both participants are knocked down at the same time, counting shall continue as long as either remains down.

- (F) A contestant who has been knocked down shall take a count of eight whether or not he has regained his feet before the count of eight has been reached.
- (G) The referee shall, if in his opinion a contestant has been dazed or hurt but remains standing, administer a standing eight-count. The referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin the eight second count. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The assistant or knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count. A standing eight-count is considered a knockdown.
- (H) If a contestant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.
- (I) When a contestant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the contestant requires immediate medical attention, the referee shall not be required to count to 10. The referee shall waive his arms to indicate that the contestant is knocked out and shall immediately summon the physician.
- (J) If a contestant is knocked out of or has fallen out of the ring the referee shall allow the contestant no more than 20 seconds, to re-enter the ring, without assistance of anyone, provided however, that if the contestant was knocked out of the ring as a result of a legal technique and is unable to regain his feet, the referee shall consider this to be a knockdown and shall begin a 10 second count. The opponent shall be ordered to retire to the furthest neutral corner, where he shall remain until signaled by the referee to continue with the match. If a contestant intentionally falls through the ropes, his seconds shall not assist him and, the contestant shall be considered to have been knocked down and the appropriate count and procedures for knockdowns shall be initiated by the referee. If a contestant enters the ring and immediately goes down, the referee shall begin a 10 second count or shall continue a 10 second count started after the contestant was knocked out of the ring. Any contestant who does not immediately re-enter the ring shall be deemed to have been knocked down and the appropriate count and procedures used in the event of a knockdown shall be used. If, in the opinion of the referee, the contestant has been dazed or hurt but remains standing, the referee shall administer a standing eight-count.
- (K) When a contestant rises from being knocked down, the referee shall, if he deems it advisable, step between the participants for such period of time to assure himself that the contestant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both participants to proceed with the match.
- (L) Should the contestant who is not down and who has been ordered to a neutral corner, fail to stay in the neutral corner, the referee and knockdown timekeeper shall cease the count and shall not resume the count until the contestant has retired to the neutral corner.
- (M) Unless otherwise agreed upon by the contestants and managers before the match, a towel thrown into the ring shall be ignored and the match shall commence as though it had not appeared.
- (N) If a contestant slips, falls down or is pushed down, the referee shall immediately order him to his feet, clean his gloves of any dirt and debris and order the match to continue.
- (O) If a contestant is knocked down three times during any one round, he shall be declared the loser by technical knockout, provided however, that this Part may be waived in advance for a championship match.
- (3) Legal kicks are those which are attempts to land hard on a target area of the opponent's body with the intent to do damage. The determination of a legal kick shall be made by the kick count judge using flip cards. The

minimum kick requirement shall be eight legal kicks delivered above the belt. For each legal kick less than the minimum number required, a contestant shall be penalized by the deduction of one point, not to exceed three points in any one round. Each knockdown in a round shall result in the reduction by one of the minimum number of kicks required for each participant. At the point of a knockdown, which shall be indicated by the referee performing the mandatory eight-count, both kick count judges shall flip a card to show the awarding of a kick to each participant, thereby reducing the number of required kicks remaining to be executed in order to meet the minimum. The scoring judges shall score the round, after which the point or points penalized for failure to execute the minimum number of kicks shall be deducted from the score.

- (4) Sweeping is that technique used to throw the opponent off balance. When used, it must be an obvious attempt to unbalance the opponent's front leg and not be intended to injure the leg. Sweeps shall be executed with the arch part of the foot and delivered to the outside portion of the forward leg only. A sweep delivered to the inside, front or rear of the leg, or a kick directed to the inside region of the thigh, non-footpad to footpad or shin to shin sweeps are fouls and shall be so penalized. The low kick of French savate or coup de pied bas is considered a sweep and is subject to the same restrictions.

(c) Wins or draws shall be determined as follows:

- (1) A contestant who knocks out his opponent shall be declared the winner of the match.
- (2) If both participants are knocked down at the same time and both participants remain down until the count of 10, the match shall be considered a technical draw.
- (3) A contestant who is awarded a technical knockout shall be declared the winner of the match.
- (4) A contestant who is knocked down three times in any one round shall be considered to have lost the match by a technical knockout. If requested by a sanctioning body, this Subparagraph shall be waived for a championship fight.
- (5) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each participant, the scores for all rounds shall be compiled for each judge and the following criteria shall be used:
  - (A) Three wins shall be declared a win;
  - (B) Two wins and one draw shall be declared a win;

- (C) Two wins and one loss shall be declared a win;
- (D) One win and two draws shall be declared a draw;
- (E) One win, one draw and one loss shall be declared a draw;
- (F) One win and two losses shall be declared a loss;
- (G) Three draws shall be declared a draw;
- (H) Two draws and one loss shall be declared a draw;
- (I) One draw and two losses shall be declared a loss; and
- (J) Three losses shall be declared a loss.

(6) If, as the result of a foul, whether unintentional or intentional, except for an unintentional butt, a contestant is unable to continue, the following procedure shall be used to determine the result of the match:

- (A) If the foul occurs prior to the scoring of the first round the result shall be a technical draw;
- (B) If the foul occurs in any round subsequent to the first round or the foul occurs in the first round but the contestant is not determined to be unable to continue until after the scoring of the first round, the winner shall be the contestant who is leading based upon the score cards of the judges.

(7) If, as the result of an unintentional butt foul, a contestant is unable to continue, the following procedure shall be used to determine the result of the match:

- (A) If the foul occurs prior to the scoring of the third round and the fouled contestant is unable to continue, the result shall be a technical draw;
- (B) If the foul occurs in any round subsequent to the third round or the foul occurs in the first, second or third rounds round but the contestant is not determined to be unable to continue until after the scoring of the third round, the winner shall be the contestant who is leading based upon the score cards of the judges;

(8) When an injury is produced by a fair strike but because of the severity of the injury the match cannot continue, the injured contestant shall be declared the loser by a technical knockout.

(9) If a contestant refuses to continue a match while physically able to do so, the referee shall disqualify him, and award the match to his opponent. The referee shall provide a written report to the Division. If the Division determines that the contestant refused to continue a match while physically able to do

- so, the Division shall impose a period of suspension for a period not less than six months and may impose a civil penalty.
- (10) In any case where the referee determines that both participants are not honestly competing, that a knockdown is intentional and predetermined by both parties or a foul has been prearranged so as to cause the match to be terminated, he shall not finish the knockdown count or disqualify either contestant for fouling or render a decision, but shall instead terminate the match not later than the end of the round and order the promoter to surrender the purses of both participants to the Division director or his designee pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.
- (11) If, in the opinion of the physician, the referee or judge has received an injury, or has become ill, the seriousness of which prevents him from continuing to officiate, time out shall be called, and another official shall be immediately assigned by the Division representative to replace the incapacitated person.

*History Note: Authority G.S. 143-652.1;  
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#### **14A NCAC 12 .0604 FOULS-KICKBOXING**

(a) A kickboxing foul, whether intentional or unintentional, shall result in a warning or deduction of a point or points, as determined by the referee based on the following:

- (1) The referee shall determine the severity of the penalty using as his criteria the intent of the contestant committing the foul and the result and effect of the foul upon the opponent.
- (2) When the referee determines that he shall deduct a point or points from a participant, he shall immediately notify the Division representative or scorekeeper (if one is used), who shall ensure that the specified number of points are deducted from each of the judge's score cards at the end of the round.
- (3) The referee shall not tolerate continual and repeated commission of fouls by a participant. The referee shall give warning to a contestant who continually and repeatedly commits fouls and when, in the opinion of the referee, the contestant has displayed persistent disregard for the rule governing the commission of fouls, the referee shall disqualify the participant,

terminate the match and provide such findings to the Division for appropriate action.

- (4) Points for fouls shall only be deducted in the round in which the fouls occurred. A contestant shall not be penalized in a subsequent round for fouls that occurred in a previous round.
- (5) The following actions are fouls, the committing of which shall result in a deduction of points:
  - (A) Striking an opponent who is down or is getting up after being down;
  - (B) Holding an opponent with one hand and punching with the other;
  - (C) Holding or deliberately maintaining a clinch;
  - (D) Butting with the head;
  - (E) Striking with the knee, elbow or palm-heel;
  - (F) Clubbing blows with the hand;
  - (G) Striking to the face with any part of the arm other than the gloved hand;
  - (H) Deliberately striking or kicking the groin area, women's breasts, women's ovaries, back of the head, neck or throat, or that part of the back near the spine and over the kidneys;
  - (I) The deliberate use of any scraping or rabbit blow;
  - (J) Flicking or jabbing the opponent's eyes with the thumb of the glove;
  - (K) Hitting with the open glove or with the wrist;
  - (L) The use of abusive language in the ring or corner, or spitting or biting;
  - (M) Kicking with the knee, or kicking into the knee or to the inside region of the thigh, and sweeps to the inside region of the leg or shin-to-shin sweeps;
  - (N) Linear or straight-in striking or kicking to the spine;
  - (O) Intentionally pushing, shoving or wrestling an opponent to the ring floor or out of the ring, or throwing or taking an opponent to the floor with foot sweeps that make contact with any area above the opponent's ankle knuckle;
  - (P) Attacking or striking on the break;
  - (Q) Striking after the bell has sounded ending the round;
  - (R) Intentionally delaying the contest through any action or failure to act;
  - (S) Leg checking which is the act of extending the leg to check an opponent's leg to prevent him from kicking;

- (T) Grabbing or holding an opponent's leg or foot followed by a takedown, strike or kick;
- (U) Pushing an opponent around the ring or into the ropes;
- (V) Anti-joint techniques which is the act of striking or applying leverage against any joint;
- (W) Holding the ropes with one hand while kicking, punching or defending with the other hand or the legs;
- (X) Any unsportsmanlike action which causes or is intended to cause injury to an opponent; or
- (Y) Intentional spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.

(b) Finality of decisions shall be governed by the following:

- (1) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:
  - (A) There was collusion affecting the result of any match;
  - (B) The compilation of the round or match score cards shows an error which indicates that the decision was awarded to the wrong participant;
  - (C) There was a violation of the rules in this Chapter relating to drugs or foreign substances; or
  - (D) There was a violation of the rules set forth in this Chapter which violation affected the result of the match.
- (2) If it is determined that any of the above occurred, the decision rendered shall be changed in an equitable manner as directed by the Division.

(c) Kickboxers shall conform to the standards set forth for boxers in Rule .0504 of this Section.

*History Note: Authority G.S. 143-652.1;*

*Temporary Adoption Eff. January 1, 1996;*

*Recodified from 18 NCAC 9 .0108(m)(5)-(p) Eff. April 1, 1996; Eff. April 1, 1996;*

*Transferred and recodified from 18 NCAC 9 effective November 8, 2002;*

*Amended Eff. October 1, 2004;*

*Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0116).*

#### **14A NCAC 12 .0605 AMATEURS-KICKBOXING**

(a) In addition to compliance with 14A NCAC 12 .0201, .0301, .0402, .0502 and .0601 through .0604 the following requirements shall apply to amateur kickboxing matches.

- (1) Any contestant competing as an amateur may not currently or have ever been a professional fighter in any unarmed combat sport. This

includes mixed martial arts, boxing, karate, or any other form of a striking sport.

- (2) Amateur weigh-ins must be scheduled no earlier than 12 Noon the day of the event.
- (3) Contestants must wear footpads and shinguards as meeting requirements of Rule .0602 in this Chapter.
- (4) Contestants must wear 10 ounce competition headgear with no jar bar or excessive ear padding. Training headgear is not allowed.
- (5) Foot wrappings: For each foot, contestants may use soft surgical bandage not over two inches wide, held in place by surgical adhesive tape, not over one and a half inches wide. Foot wrappings shall not exceed three to four windings of soft surgical bandages around the sole and instep and no more than four around the ankle.
- (6) Kicks below the waist are not permitted.

(b) Matches shall be three, two minute rounds with a one minute rest period that includes a 10 second warning signal.

(c) Kick counters shall be in neutral corners only. Each contestant must score at least 6 hard kicks per round.

(d) The promoter of record must provide to the Division the name, address, date of birth, and social security number of every amateur contestant scheduled to compete in a program of matches. This information must be submitted no later than seven calendar days prior to the event.

(e) A contestant shall have a minimum of five recorded amateur matches prior to being submitted to compete as a professional kickboxing contestant.

(f) Contestants under 18 years of age may compete only in matches supervised by an Amateur Sport Organization that has been recognized by the Division. To obtain recognition, any Amateur Sports Organization shall establish and provide rules for the implementation of health and safety standards and all requirements related to the conduct of matches that are at least as restrictive as the applicable standards and requirements of the Division. Events open to the public where admission is charged for viewing must be conducted by a promoter licensed in accordance with the provisions of Rule .0402 of this Chapter.

*History Note: Authority G.S. 143-652.1;*

*Eff. March 1, 2008.*

#### **14A NCAC 12 .0701 TOUGHMAN MATCH**

Contestants and officials in toughman events shall comply with Rules .0201, .0301, and .0402 of this Chapter, except for the following exceptions or additional rules:

- (1) Each contest shall be limited to three one-minute rounds.
- (2) Each contest shall be scored by the 10 point must system as outlined in Rule .0503 of this Chapter.
- (3) There shall be four weight classifications: lightweight (up to but not over 140 pounds); middleweight (over 140 pounds to but not over 160 pounds); light heavyweight (over 160

- pounds to but not over 185 pounds); and heavyweight (over 185 pounds).
- (4) Boxing gloves weighing a minimum of 16 ounces shall be worn by all contestants.
  - (5) Headgear and abdominal and groin protectors, provided by the promoter, shall be worn by all contestants.
  - (6) The seconds shall use clean towels and mouth pieces for each match.
  - (7) All equipment shall be inspected by the referee or the Division representative to insure that it provides for the safety of the contestants, and does not give either contestant an unfair advantage.
  - (8) A contestant shall not participate in more than four matches in the same calendar day. The ringside physician shall check and record a contestant's blood pressure prior to each program of matches.
  - (9) A contestant shall not be allowed to compete in a toughman match if he has:
    - (A) Been a competitor in professional boxing, kickboxing or mixed martial arts; or
    - (B) Been a winner of more than five amateur boxing, kickboxing or mixed martial arts or toughman matches or more than five of any combination of amateur boxing, kickboxing or mixed martial arts or toughman matches.
  - (10) Competing for or winning a prize in a toughman contest shall not, in itself, make the contestant a professional within the scope of the rules in this Chapter.

*History Note: Authority G.S. 143-652.1; Temporary Adoption Eff. January 1, 1996; Recodified from 18 NCAC 9 .0109 Eff. April 1, 1996; Eff. May 1, 1996; Transferred and recodified from 18 NCAC 9 effective November 8, 2002; Amended Eff. October 1, 2004; Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0117).*

**14A NCAC 12 .0801 WEIGH INS-MIXED MARTIAL ARTS**

The mixed martial arts weigh-ins must be conducted by a Division representative at a place and time designated by the Division in accordance with 14A NCAC 12 .0201, .0301, .0402, .0403 and .0501 except for the following exceptions or additional rules:

- (1) All contestants must weigh in. Contestants other than heavyweights, are limited to shorts, shirt and socks.
- (2) The scale shall be provided by the promoter and indicate an accurate weight for contestants.

- (3) The chart in this Item indicates the weight allowances per weight class. A contestant may fight an opponent above or below his or her weight class. The maximum amount of weight difference between the two contestants shall be decided by lower weight class. Weight allowances permitted between two different weight classes are as follows:

Weight class	Weights	Allowances
Straw weight	up to 115 pounds	3 pounds
Flyweight	116 to 125 pounds	3 pounds
Bantamweight	126 to 135 pounds	3 pounds
Featherweight	136 to 145 pounds	5 pounds
Lightweight	146 to 155 pounds	5 pounds
Welterweight	156 to 170 pounds	5 pounds
Middleweight	171 to 185 pounds	7 pounds
Light Heavyweight	186 to 205 pounds	7 pounds
Heavyweight	206 to 265 pounds	7 pounds
Super Heavyweight	over 265 pounds	

- (4) When a weigh-in is conducted the day prior to the event, with the exception of the heavyweight class, all other contestants must weigh-in at a second weigh-in the next day scheduled by the Division representative within eight hours of the starting time of the event. The contestant may not be more than 13 pounds heavier than their recorded weight from the day prior.
- (5) No contestant, weighing 145 or less, may lose more than two pounds in less than 12 hours of a contest. No contestant, weighing 146 or more, may lose more than three pounds in less than 12 hours of a contest. This Item applies to a second day weigh-in also. This does not apply to light heavyweight class and above.

*History Note: Authority G.S. 143-652.1; Eff. March 1, 2008.*

**14A NCAC 12 .0802 APPEARANCE – MIXED MARTIAL ARTS**

(a) Groin and breast protectors for mixed martial arts contestants:

- (1) Male fighters must wear a groin protector which will protect them against injury from a foul blow.
- (2) A female contestant may wear a protective girdle to cover the pubic area, coccyx and sides of the hip.
- (3) Female contestants must wear a breast protector.

(b) At the time of the pre-bout physical, female contestants must submit a negative pregnancy test.

(c) Each contestant shall wear mixed martial arts shorts, biking shorts, or kick boxing shorts that must be approved by the



Division representative as being safe and modest. The contestants may not wear the same color in the ring, cage or fenced area, without the approval of the Division representative. The Division shall approve the same color if the shorts can easily be distinguished by the judges with patterns or advertisements. Apparel or equipment which includes metallic or hard plastic or any edge or surface which could cause extraneous injury to the contestants is not allowed.

(d) "GI"s or shirts are permitted for male contestants only if both contestants wear the same attire. Female contestants shall wear a body shirt/blouse or any other attire approved by the Division representative as being safe and modest.

(e) Shoes are not permitted.

(f) Grappling shin guards are not permitted.

(g) Body grease, gels, balms or lotions may not be applied. Vaseline may be applied to the facial area at cage side or ringside in the presence of a inspector, referee, or Division representative. Any contestant applying anything prior to this may be penalized a point or disqualified.

(h) The contestant may not wear any jewelry or any other piercing accessories while competing in a match.

(i) Joint supports, made of neoprene only, may be worn. No metal supports may be worn.

(j) Finger and toe nail plates must be trimmed within 1/16 of an inch beyond the hyponychium.

(k) The Division representative shall determine whether head or facial hair presents any hazard to the safety of the contestant or their opponent or will interfere with the conduct of a match. Hair shall be secured with soft and non-abrasive material when the Division representative determines the hair could obstruct the fighter's vision. Facial hair may not be braided.

(l) The contestant may not wear any equipment that is not allowed in the rules in this Chapter.

*History Note: Authority G.S. 143-652.1; 143-651(7a); Eff. March 1, 2008.*

#### **14A NCAC 12 .0803 HANDWRAPS-MIXED MARTIAL ARTS**

(a) In all weight classes except light heavyweight, cruiserweight and heavyweight, all bandages and handwraps applied to each hand of a mixed martial arts contestant shall be restricted to soft cloth, not more than 10 yards in length and two inches in width, held in place by not more than four feet of surgical tape.

(b) In the light heavyweight, cruiserweight and heavyweight weight classes, all bandages and handwraps applied to the hand of a contestant shall be restricted to soft cloth, not more than 12 yards in length and two inches in width, held in place by not more than eight feet of surgical tape.

(c) The use of six inches of surgical tape, not more than one inch in with, shall be permitted across the back of the hand before bandaging or wrapping the hands, provided however, that the tape shall not be applied across the knuckles.

(d) The bandages shall be evenly distributed across the hand.

(e) Bandages and tapes shall be placed on contestant's hands in the dressing room and must be inspected by the inspector or Division representative.

(f) The manager or chief second of the opponent may elect to be present when hands are being wrapped.

(g) Gloves shall not be placed on the hands of a contestant until checked by the inspector or Division representative.

*History Note: Authority G.S. 143-652.1; Eff. March 1, 2008.*

#### **14A NACA 12 .0804 GLOVES-MIXED MARTIAL ARTS**

(a) For professional mixed martial arts contests each contestant must wear gloves that weigh not less than four ounces and not more than eight ounces.

(b) Amateur mixed martial arts contestants must wear gloves that weigh not less than six ounces and not more than eight ounces.

(c) The gloves shall be supplied by the promoter. The promoter shall use only models of gloves that have been approved by the Division representative as being clean, whole, sanitary and in good condition. Gloves shall not be twisted, cut, manipulated, altered, unfit or ill fitting in any manner. Gloves shall be constructed of soft leather material and shall be marked with the original manufacture's tag that indicates the correct weight of the glove.

(d) The gloves for every contest or exhibition that is designed as a championship match must be new, furnished by the promoter, and made to fit the hands of the contestants.

(e) Both contestants shall wear same size gloves.

(f) Gloves must be inspected and passed by the inspector, referee or Division representative prior to starting the bout. If gloves to be used in preliminary contest or exhibition have been used before, they must be whole, clean, and in sanitary condition. If a glove is found to be unfit, it must be replaced with a glove that meets the requirements of this Section.

*History Note: Authority G.S. 143-652.1; Eff. March 1, 2008.*

#### **14A NCAC 12 .0805 RING REQUIREMENTS -MIXED MARTIAL ARTS**

(a) Mixed martial arts may be held in a ring, cage or a fenced area with overhead lighting bright enough to illuminate the entire ring floor.

(b) The ring specifications for mixed martial arts must meet the following requirements:

- (1) The ring may be no smaller than 20 feet square and no larger than 32 feet square within the ropes.
- (2) One of the corners must have a blue designation, the corner directly across must have a red destination.
- (3) The ring floor must extend at least eighteen inches beyond the ropes. The ring floor must be padded with ensolite or a similar closed-cell foam, with at least a one inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps and ridges may not be used.

- (4) The ring platform must no be more than four feet above the floor of the building and must have steps for the use of the contestants.
- (5) Ring posts must be made of metal, not more than three inches in diameter, extending from the floor of the building to a minimum height of 58 inches above the ring floor, and must be padded in a manner to prevent contact of contestant's body to a metal surface. Ring posts must be 18 inches away from the ring ropes.
- (6) There must be five ring ropes, not less than one inch in diameter and wrapped in soft material. The lowest rope must be no higher than 12 inches from the ring floor.
- (7) There must not be any obstruction or object, including advertisement for sponsors, on any part of the ring floor.
- (c) The fenced or cage specifications for mixed martial arts must meet the following requirements:
  - (1) The fenced or cage area must be circular or have as many as eight equal sides;
  - (2) Two sides opposite of each other must each have a designated color, one side blue the opposite red;
  - (3) The fenced or cage area must be no smaller than 20 feet wide and no larger than 32 feet across within the ropes;
  - (4) The floor of the fenced area must be padded with ensolite or another similar closed-cell foam, with at least a one inch layer of foam padding, with a top covering of canvas, duck or similar material tightly stretched and laced to the platform of the fenced or cage area. Material that tends to gather in lumps or ridges must not be used;
  - (5) The platform of the fenced or cage area must not be more than four feet above the floor of the building and must have steps for use of the contestants;
  - (6) Fence posts must be made of metal, not more than six inches in diameter, extending from the floor of the building to between five and seven feet above the floor of the fenced or cage area, and must be padded in a manner to prevent contact of contestant's body to any metal surface;
  - (7) A chain link fence, coated with vinyl, shall be used to enclose the fenced or cage area and made of a material strong enough that will prevent a contestant from falling out or breaking through the fenced or cage area onto the floor of the building or onto spectators;
  - (8) Any metal portion on the interior of the fenced or cage area must be covered and padded in a manner to prevent contact of contestant's body to any metal surface and must not be abrasive to the contestants;
  - (9) The fenced or cage area must have two entrances. The entrances must be padded or covered and padded so that is no exposed metal on the interior of the fenced or caged area;
  - (10) There must not be any obstruction on any part of the fence surrounding the area in which the contestants are competing;
  - (11) Any metal parts used to enforce the fenced or caged area wall must be positioned as to not interfere with the safety of the contestants;
  - (12) A crowd control barrier shall be installed at least eight feet away from the edge of the ring, cage, or fenced area. and before the first spectator's seats. This barrier shall be capable of restraining spectators from entry to the ringside area.
- (d) In venues that seat more than 12,000 spectators, the Division representative shall require the promoter of a mixed martial arts contest to place at least two video screens that will allow spectators to view action inside the ring, cage or fenced area.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

**14A NCAC 12 .0806 DURATION AND ROUNDS-  
MIXED MARTIAL ARTS**

Length and number of rounds shall be as follows:

- (1) Non championship matches, exhibitions or mixed martial arts must not exceed three rounds of five minutes each with a one minute rest period that includes a 10 second warning signal.
- (2) Championship bouts shall be five rounds of five minutes each with a one minute rest period that includes a 10 second warning signal.
- (3) Amateur bouts shall be three rounds of three minutes each with a 60 second rest period that includes a 10 second warning signal.
- (4) Amateur championship matches shall consist of five rounds of four minutes each with a 60 second rest period that includes a 10 second warning signal.
- (5) A minimum number of 21 rounds must be scheduled for any mixed martial arts program of matches.
- (6) "Pro/Am" events must have a combination of three professional bouts and five amateur bouts or five professional bouts and three amateur bouts scheduled. Professional bouts shall follow amateur bouts with no intermixing of the bouts.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

**14A NCAC 12 .0807      SECONDS DUTIES -MIXED MARTIAL ARTS**

- (a) In a Mixed Martial Art contest there may be three licensed seconds positioned in a designated area by a cage or fenced area or positioned in each corner of a ring. For championship bouts there may be four licensed seconds.
- (b) Only the contestants and referee shall enter the ring, fenced area or cage during a match.
- (c) The referee may, in his or her discretion, stop a contest if an unauthorized person enters the ring, fenced area or cage during a round.
- (d) Only three seconds may enter the ring, cage or fenced area.
- (e) There may be no loud yelling or profanity from anyone working the corner.
- (f) If a second leaves the designated area, the fighter shall be disqualified.
- (g) A fighter getting knocked out of a ring and onto the floor must get back into the ring within 20 seconds. The referee shall disqualify a contestant that receives assistance from anyone to return to the ring, cage or fenced area.

*History Note: Authority G.S. 143-652.1; Eff. March 1, 2008.*

**14A NCAC 12 .0808      SCORING-MIXED MARTIAL ARTS**

- (a) A mixed martial arts contest may end under the following results:

- (1) Submission:
  - (A) Tap out: when a contestant physically uses his or her hand(s) to indicate that he or she no longer wish to continue.
  - (B) Verbal tap out: when a contestant verbally announces to the referee he or she does not wish to continue.
- (2) Knockout "(KO)": failure to rise from the canvas. If the contestant was knocked out of the ring or cage as a result of a legal technique and is unable to regain his feet, the referee shall consider this to be a knockout.
- (3) Technical knockout "(TKO)":
  - (A) Referee stops bout because contestant can no longer defend him or her self;
  - (B) Ringside physician advises referee to stop bout; or
  - (C) When an injury as a result of a legal maneuver is severe enough to terminate the bout.

- (b) Bouts shall be scored by three judges. The "Ten-Point Must System" is the standard system of scoring a bout. The winner of the round is awarded 10 points and the loser of the round is awarded nine points or less, except for rare occasion of an even round, which is scored 10 to 10.

- (c) Judges shall judge mixed martial art techniques, such as effective striking, effective grappling, and control of opponent, effective aggressiveness and defense as follow:

- (1) Effective striking is judged by determining the total number of legal heavy strikes landed.

- (2) Effective grappling is judged by considering the amount of successful executions of a legal takedown and reversal. Factors to consider are take downs from the standing position to a mount position, passing the guard to the mount position, and bottom position fighters using an active threatening guard.
- (3) Effective control is judged by determining who is dictating the pace, location and position of the bout. Factors to be considered are: countering a grappler's attempt at a takedown by remaining standing and legally striking; take down an opponent to force a ground fight; creating threatening submission attempts; passing the guard to achieve a mount and creating striking opportunities.
- (4) Effective aggressiveness means moving and landing legal strikes.
- (5) Effective defense means avoiding being struck, take down or reversals while countering with offensive strikes.

- (d) Decision via scorecards:

- (1) Unanimous: when all three judges score the bout for the same contestant.
- (2) Split decision: when two judges score the bout for one contestant and one judge scores for the opponent.
- (3) Majority decision: when two judges score the bout for the same contestant and one judge scores the bout a draw.

- (e) Draws:

- (1) Unanimous: when all three judges score the bout a draw;
- (3) Majority: when two judges score the bout a draw;
- (3) Split when all three judges score it differently and the score total results in a draw.

- (f) Disqualification: when an injury sustained during competition as a result of an intentional foul severe enough to terminate the contestant.

- (g) Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.

- (h) Technical draw:

- (1) When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of the stoppage.
- (2) When an injury sustained during competition an a result of an unintentional foul causes the injured contestant to be unable to continue and a majority of rounds have been completed with the results of the scorecards being a draw.

- (i) Technical decision: when the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.

- (j) No contest: when a contestant is prematurely stopped due to accidental injury and a majority of rounds have not been completed.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

**14A NCAC 12 .0809 FOULS-MIXED MARTIAL ARTS**

(a) Procedures to determine fouls in a mixed martial arts contest:

- (1) The referee shall issue a warning after the initial foul. After the initial warning a penalty shall be issued as a result of second foul. The penalty may be a deduction of points or disqualification depending on the severity of the foul. Any points deducted for any foul must be deducted in the round which the foul occurred.
- (2) The referee as soon as practical after a foul, shall call time and notify which contestant is being penalized and the total points the contestant is being penalized.
- (3) If a bottom contestant commits a foul and in the referee's judgment is not in control, unless the top contestant is injured, the bout shall continue, so as not to jeopardize the top contestant's superior positioning at the time.
- (4) Only the referee can assess a foul and any point deductions. Judges may not deduct points for what they interpret is a foul.
- (5) The referee shall check the fouled contestant's condition to see if he or she can still participate in the contest.
- (6) Disqualification occurs after any combination of three fouls or if the referee determines the foul to be flagrant.

(b) Intentional foul:

- (1) If an intentional foul causes an injury and the bout is allowed to continue a mandatory two point penalty shall be assessed to the contestant committing the foul.
- (2) If an injury sustained by a contestant as a result of the intentional foul causes the contestant to be unable to continue at a subsequent point, the injured contestant shall win by a technical decision, if he or she is ahead on the score cards. If the injured contestant is even or behind on the score cards at the time of the stoppage, the bout shall be declared a technical draw.

(c) Unintentional foul:

- (1) If a bout is stopped because of an unintentional foul, the referee shall determine whether the contestant who has been fouled can continue or not. If the contestant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve concussive impact to the head of the contestant who has been fouled, the referee may order the bout continued after a recuperative interval of not more than five minutes. Immediately after stopping the bout or at the end of the round the

referee must immediately inform the inspector or Division representative of his determination that the foul was accidental and unintentional.

- (2) If the referee determines either from his observation or that of the ringside physician that the bout may not continue because of the injury from the unintentional foul the bout shall be declared a no contest if the foul occurred:

- (A) During the first two rounds of a non-championship bout, or
- (B) During the first three round of a championship bout.

- (3) If the unintentional foul renders the contestant unable to continue the bout, the outcome shall be determined by scoring the completed rounds and the round which the referee last stopped the bout. The second round must be completed in a non championship bout or the third round must be completed in a championship bout.

- (4) If an injury from an intentional foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round which the referee stops the contest.

- (5) A contestant may not be declared the winner of a bout on the basis of his or her claim that the opponent fouled him or her unintentionally by hitting him or her in the groin. If after a recuperative interval of not more than five minutes, a contestant is unwilling to continue because of the claim of being hit in the groin, the bout shall be declared a no contest if the second round has not been completed in a three round bout or the third round has not been completed in a five round bout.

(d) The following are types of fouls in a mixed martial arts contest:

- (1) Butting with the head.
- (2) Eye gouging of any kind.
- (3) Biting.
- (4) Hair pulling.
- (5) Fishhooking.
- (6) Groin attacks of any kind.
- (7) Putting a finger into any orifice or into any cut or laceration on an opponent.
- (8) Small joint/single digit manipulation, finger and toe locks.
- (9) Striking to the spine or back of head.
- (10) Striking downward using the point of the elbow. (Arcing elbow strikes are permitted).
- (11) Throat strikes of any kind, including grabbing the trachea.
- (12) One or two handed chokes applied directly to the trachea or windpipe.
- (13) Knuckle gouging to the face or any part of the body including into the throat.

- (14) Clawing, twisting or pinching the flesh.
- (15) Grabbing the clavicle.
- (16) Kicking the head of a grounded opponent.
- (17) Kicking the front of the opponents knee.
- (18) Kneeing the head of a grounded opponent.
- (19) Spiking an opponent to the canvas on his head or neck.
- (20) Stomping on a grounded opponent. A contestant is considered grounded when his or her torso or three points of his or her body is touching the canvas.(example: two legs and a hand are touching canvas.) This definition applies to Subparagraphs (d)(16), (d)(18), and (d)(20) of this Rule. A downed opponent may kick up to all legal striking points of the body.
- (21) Kicking to the kidney with the heel.
- (22) Throwing, lifting, pushing, or otherwise forcing an opponent out of the ring area or fence area.
- (23) Holding the shorts or glove of an opponent.
- (24) Spitting on an opponent.
- (25) Engaging in any unsportsmanlike conduct that causes an injury to an opponent.
- (26) Holding the ropes or cage.
- (27) Using abusive language or illicit gestures in the cage or ring area.
- (28) Attacking an opponent on or during the break.
- (29) Attacking an opponent who is under the care of the referee, medical personnel or other ring officials.
- (30) Attacking an opponent after the bell has sounded to end the round.
- (31) Flagrantly disregarding the instructions of the referee.
- (32) Timidity, including avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece, delaying the contest due to improper equipment, or faking an injury.
- (33) Interference from anyone working the corner or cornermen leaving their area.
- (34) Throwing in the towel during competition.
- (35) Any act in the judgment of the referee that is detrimental and places an opponent at a disadvantage.
- (36) Rope or cage grabbing to avoid a submission hold, or continually holding the rope to rest or pull self from action, or gain advantage.

(e) Fighters may not grab the ring ropes or cage at any time the two fighters are in contract with each other during the match in an attempt to stall action, trap his opponent, escape a technique, or otherwise gain advantage in the match.

(f) Fighters may momentarily grab the ring ropes or cage to steady themselves or to gain/maintain their balance.

(g) If a fighter grabs or otherwise secures any ring rope with a hand, arm foot or leg during the match to avoid a submission hold, the referee shall stop the match and deduct a point from the fighter who so grabbed the rope.

(h) If a fighter continually holds the ring ropes to rest or pull himself from the action, avoid the bout's action, or otherwise gain advantage in the match, the referee shall deduct one point from the resting fighter the first time and two points each additional time.

(i) Excessive grabbing or other use of the ring ropes in violation of the Rules in this Chapter may result, in the referee's discretion, in a fighter's disqualification and an award of the bout to the fighter's opponent.

(j) The referee shall verbally instruct fighters to release the ring ropes or cage prior to warning, deducting points, or disqualifying a fighter for violating the Rules in this Chapter.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

#### **14A NCAC 12 .0810 AMATEUR-MIXED MARTIAL ARTS**

(a) In addition to compliance with Rules .0201, .0301, .0402 and .0801 through .0809 of this Chapter, the following requirements apply to amateur mixed martial arts matches:

- (1) Any contestant competing as an amateur may not currently or have ever been a professional fighter in any unarmed combat sport. This includes mixed martial arts, boxing, karate, or any other form of a striking sport;
- (2) Amateur weigh-ins must be scheduled no earlier than 10 AM the day of the match;
- (3) Grappling shin guards are optional;
- (4) Elbow strikes to the head are not allowed;
- (5) Striking with the point of the elbow is not allowed;
- (6) Knees to the head at anytime are not allowed;
- (7) Kicks of any type to the head are not allowed; and
- (8) A contestant may only strike to the head with his or her fist.

(b) The promoter of record shall provide to the Division the name, address, date of birth and social security number of every amateur contestants scheduled to compete in a program of matches. This information shall be submitted no later than seven calendar days prior to the event.

(c) A contestant shall have a minimum of five recorded amateur matches prior to being submitted to compete as a professional mixed martial arts contestant. This five match requirement shall be waived by the Division representative if the contestant has previously completely in at least five professional boxing or kickboxing matches or any combination thereof.

(d) Contestants under 18 years of age may compete only in matches supervised and regulated by an Amateur Sports Organization that has been recognized by the Division. To obtain recognition, any Amateur Sports Organization shall establish and provide rules for the implementation of health and safety standards and all requirements related to the conduct of matches that are at least as restrictive as the applicable standards and requirements of the Division. Events open to the public where admission is charged for viewing shall be conducted by a promoter licensed in accordance with the provisions of Rule .0402 of this Chapter.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

**14A NCAC 12 .0811 SUSPENSIONS -MIXED MARTIAL ARTS**

(a) The following apply to determine the length of suspension for mixed martial arts contestants. The Division representative or ringside physician may increase or decrease the length of suspension if deemed appropriate:

- (1) TKO (Technical Knockout) - 30 Days.
  - (A) Referee stoppage from submission or choke hold prior to verbal commitment or tap out.
  - (B) Referee stoppage from strikes prior to verbal commitment or tap out.
- (2) KO (Knockout) - 60 Days.
- (3) Second TKO/KO in 12 months and contestant has a losing record - 120 to 180 Days.
- (4) TKO/KO and contestant has lost three or more of the last five fights in the first round - 180 to 365 Days.

(b) A contestant is designated as "High Risk" if one of the following criteria apply:

- (1) 40 years of age or older;
- (2) Has six consecutive losses or three consecutive losses in the first round by TKO/KO;
- (3) Lost more than 25 total fights;
- (4) Has a career duration of more than 350 rounds;
- (5) Has suffered a severe concussion (Grade 3) or difficulty in a match where the ringside physician recommends more medical test; or
- (6) Has been inactive for 30 or more months.

(c) Contestants designated as "High Risk" must provide the results of any or all of the following medical test to the Division representative prior to being approved to compete in a match based on the contestant's past medical history and suspensions:

- (1) MRI (Magnetic Resonance Imaging);
- (2) Complete Neurological Examination by a Neurologist;
- (3) Overall physical conducted by a physician indicating that the contestant is physically fit to compete in a match;
- (4) If the contestant is 40 years of age or older, cardiac examination and chest x-rays.

(d) A contestant may not compete until seven days have elapsed from his or her last match. The seven day period starts the day following the event in which he or she competed. The Division representative may waive this mandatory rest. period if the contest ended in two rounds or less and contestant received no injuries.

*History Note: Authority G.S. 143-652.1;  
Eff. March 1, 2008.*

**15A NCAC 02C .0301 SCOPE AND PURPOSE**

(a) The purpose of the rules of this Section is to set out standards for permitting and inspection of private drinking water wells as defined in G.S 87-85 by local health departments pursuant to G.S. 87-97.

(b) The rules of 15A NCAC 02C .0100 are applicable to private drinking water wells. In addition to the provisions in 15A NCAC 02C .0100, the following shall apply:

- (1) The well owner shall not place potential sources of groundwater contamination closer to the well than the separation distances specified in 15A NCAC 02C .0107(a)(2) or .0107(a)(3), as applicable;
- (2) In addition to the provisions in 15A NCAC 02C .0109 PUMPS AND PUMPING EQUIPMENT, the builder, well contractor, pump installer, or homeowner, as applicable, shall provide assistance when necessary to gain access for inspection of the well, pumps, and pumping equipment; and
- (3) In addition to the requirements of 15A NCAC 02C .0113 ABANDONMENT OF WELLS, any well which acts as a source or channel of contamination shall be repaired or permanently abandoned within 30 days of receipt of notice from the local health department. The person abandoning the well shall provide a minimum 24-hour notice to the local health department prior to commencement of permanent abandonment procedures.

*History Note: Authority G.S. 87-87; 87-97;  
Eff. July 1, 2008.*

**15A NCAC 02C .0302 DEFINITIONS**

The definitions in G.S. 87-85 and 15A NCAC 02C .0102 apply throughout this Section. In addition, the following definitions apply throughout this Section:

- (1) "Addition" means any structure that is constructed, altered or placed on property that contains one or more wells. This would not include replacement of existing equipment within the existing footprint of a structure and addresses only those situations for which a building permit is required.
- (2) "Board of Health" means the County Board of Health or successor entity.
- (3) "Certificate of Completion" means a certification by the Department that a private drinking water well has been constructed or repaired in compliance with the construction permit or repair permit.
- (4) "Construction of wells" means all acts necessary to construct wells for any intended purpose or use, including the location and excavation of the well, placement of casings, screens and fittings, development and testing.

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| <p>(5) "Construction permit" means a well construction permit issued by the Department authorizing or allowing the construction of any private drinking water well as defined in the rules of this Section.</p> <p>(6) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department. For the purposes of any notices required pursuant to the rules of this Section, notice shall be mailed to "Division of Environmental Health, On-Site Water Protection Section, North Carolina Department of Environment and Natural Resources," 1642 Mail Service Center, Raleigh, NC 27699-1642.</p> <p>(7) "Local Health Department" means the county or district health department or its successor.</p> <p>(8) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.</p> <p>(9) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one inch equals no more than 60 feet, that includes: the specific location of all structures and proposed structures and appurtenances, including but not limited to decks, porches, pools, driveways, out buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water lines, surface waters or designated wetlands, easements, including utility easements, and existing or proposed chemical or petroleum storage tanks above or below ground. "Plat" also means, for subdivision lots approved by the local planning authority and recorded with the county register of deeds, a copy of the recorded subdivisions plat that is accompanied by a site plan that is drawn to scale.</p> <p>(10) "Pumps" and "pumping equipment" means any equipment or materials utilized or intended for use in withdrawing or obtaining ground-water including well seals.</p> <p>(11) "Repair" means work involved in deepening, reaming, sealing, installing or changing casing depths, perforating, screening, or cleaning, acidizing or redevelopment of a well excavation, or any other work which results in breaking or opening the well seal.</p> <p>(12) "Repair permit" means a well repair permit issued by the Department authorizing or allowing the repair of any private drinking water well as defined in the rules of this Section.</p> | <p>(13) "Site plan" means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, and the specific location of all structures and proposed structures and appurtenances, including decks, porches, pools, driveways, out buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water lines, surface waters or designated wetlands, easements, including utility easements, and existing or proposed chemical or petroleum storage tanks above or below ground.</p> <p>(14) "Water supply system" means pump and pipe used in connection with or pertaining to the operation of a private drinking water well including pumps, distribution service piping, pressure tanks and fittings.</p> <p>(15) "Well contractor activity" means the construction, installation, repair, alteration or abandonment of any well.</p> <p>(16) "Well Contractor" means any person in trade or business who undertakes to perform a well contractor activity or who undertakes to personally supervise or personally manage the performance of a well contractor activity on the person's own behalf or for any person, firm, or corporation in accordance with the well contractor certification requirements of 15A NCAC 27.</p> <p>(17) "Well seal" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the upper terminal.</p> |
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*History Note:* Authority G.S. 87-87; 87-97;  
*Eff. July 1, 2008.*

**15A NCAC 02C .0303 APPLICATION FOR CONSTRUCTION PERMIT**

An application for a permit to construct, repair, or abandon a private drinking water well shall be submitted to the local health department for the county where the well is to be located by a property owner or the property owner's agent. The application shall include:

- (1) Name, address and phone number of the proposed well property owner or owner's agent;
- (2) Signature of owner or agent;
- (3) Address and parcel identification number of the property where the proposed well is to be located;
- (4) A plat or site plan as defined in the rules of this Section;
- (5) Intended use(s) of the property;

- (6) Other information deemed necessary by the Department to determine the location of the property and any site characteristics such as existing or permitted sewage disposal systems, easements or rights of way, existing wells or springs, surface water or designated wetlands, chemical or petroleum storage tanks, landfills, waste storage, known underground contamination and any other characteristics or activities on the property or adjacent properties that could impact groundwater quality or suitability of the site for well construction;
- (7) Any current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a); and
- (8) Any variances regarding well construction or location issued under 15A NCAC 02C .0118.

*History Note:* Authority G.S. 87-87; 87-97;  
Eff. July 1, 2008.

**15A NCAC 02C .0304 PERMITTING**

- (a) No person shall construct a private drinking water well without first obtaining a well construction permit from the Department. No person shall repair a private drinking water well without first obtaining a well repair permit except a well repair permit is not required for maintenance or pump repair or replacement. Disinfection in accordance with 15A NCAC 02C .0113 is a maintenance activity that does not require a repair permit.
- (b) Before issuing a well construction permit, the Department shall conduct a field investigation to evaluate the topography, landscape position, available space and potential sources of groundwater contamination on or around the site on which a private drinking water well is to be located. The Department shall issue a private water well construction permit after determining the site can be permitted for a well meeting the rules of this Section. Notwithstanding the above, the Department shall not issue a construction permit for a well in violation of restrictions regarding groundwater use established pursuant to G.S. 87-88(a). The construction permit shall include a site plan showing the location of potential sources of contamination and area(s) suitable for well construction. The Department shall issue a written notice of denial of a construction permit if it determines a private drinking water well cannot be constructed in compliance with the rules of this Section. The notice of denial shall include reference to specific laws or rules that cannot be met and shall be provided to the applicant.
- (c) A well construction permit is valid for a period of five years except that the Department may revoke a permit at any time if it determines that there has been a material change in any fact or circumstance upon which the permit is issued. The validity of a construction permit or a repair permit is not affected by a change in ownership of the site on which a private drinking water well is proposed to be located. Well construction permits issued under local well ordinances prior to the effective date of these Rules remain valid for the term of those permits unless those permits are suspended or revoked. The Department may suspend or

revoke any permits issued upon a determination that the rules of this Section have been violated.

- (d) If there is an improperly abandoned well(s) on the site, the construction permit shall be conditioned upon repair or abandonment of any improperly abandoned well(s) in accordance with the rules of 15A NCAC 02C .0100.

*History Note:* Authority G.S. 87-87; 87-97;  
Eff. July 1, 2008.

**15A NCAC 02C .0305 GROUT INSPECTION: CERTIFICATION**

- (a) The well contractor shall contact the local health department to schedule a grout inspection before grouting a private drinking water well. Contact shall include the location, permit number and anticipated time for grouting each private drinking water well and the appointment shall be scheduled by the end of the business day before the grouting is to occur except where the local health department has made provisions for scheduling inspections at night or on the same day of the inspection.
- (b) Upon completion of a grout inspection, the Department shall provide a written certification on the well permit that a grout inspection was completed and that the grouting is in compliance with the rules of 15A NCAC 02C .0100. When a local health department is unable to conduct a grout inspection within one hour of the scheduled time, the well contractor may grout a well without a grout inspection by the Department. The well contractor shall provide a written certification to the local health department that the well has been grouted in compliance with the rules of 15A NCAC 02C .0100. A completed Well Construction Record form GW-1 indicating the well was grouted in compliance with the rules of this Section shall serve as the well contractor's grout certification. For purposes of issuing a certificate of completion, the well contractor's grout certification shall be accepted by the Department as evidence the grout complies with the rules of this Section if the local health department:
  - (1) was contacted by the well contractor to schedule a grout inspection;
  - (2) was unable to inspect the grouting of the well within one hour following the scheduled time; and
  - (3) upon final inspection, finds no evidence to indicate the well grout does not comply with the rules of this Section.

*History Note:* Authority G.S. 87-87; 87-97;  
Eff. July 1, 2008.

**15A NCAC 02C .0306 WELL COMPLETION AND CERTIFICATION**

- (a) After receiving a permit to construct a private drinking water well, the property owner or his agent shall notify the health department prior to well construction if any of the following occur:
  - (1) The separation criteria specified in 15A NCAC 02C .0107 cannot be met;
  - (2) The residence or other structure is located other than indicated on the permit;



- (3) The use of the structure is changed from the use specified on the permit;
  - (4) The septic system needs to be changed from the location indicated on the permit;
  - (5) Landscaping changes have been made that may affect the integrity of the well;
  - (6) There are current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a);
  - (7) The water source for any well intended for domestic use is adjacent to any water-bearing zone suspected or known to be contaminated; or
  - (8) Any other changes occur in the information provided in the application for the well permit.
- (b) The well contractor shall maintain a copy of the well construction permit or repair permit on the job site at all times during the construction, repair or abandonment of the well. The well contractor shall meet all the conditions of the permit.
- (c) Upon completion of construction of a private drinking water well, the Department shall complete an "as built" drawing of the well location. The well contractor shall submit a copy of Residential Well Construction Record to the local health department. Upon completion of construction or repair of a private drinking water well for which a permit is required, the Department shall inspect the well and issue a Certificate of Completion. Prior to the issuance of a Certificate of Completion, the Department shall: verify that the well was constructed in the designated area and according to the well construction permit and the rules of this Subchapter. The Department shall inspect the grout around the casing, inspect the well head after the well seal is in place and obtain a well

construction record from the Certified Well Contractor. No person shall place a private drinking water well into service without first having obtained a Certificate of Completion.

*History Note:* Authority G.S. 87-87; 87-97;  
*Eff.* July 1, 2008.

**15A NCAC 02C .0307 WELL DATA AND RECORDS**

(a) Any person completing, abandoning or repairing any well shall submit a record of the construction, abandonment or repair to the local health department and the Division of Water Quality within 30 days of completion of construction, abandonment or repair. The record shall be on a form provided by the Department.

(b) The local health department shall maintain a registry of all permitted private drinking water wells, specifying the well location and the water quality test results until the well is permanently abandoned in accordance with this Subchapter.

*History Note:* Authority G.S. 87-87; 87-97;  
*Eff.* July 1, 2008.

**15A NCAC 02C .0308 APPEAL PROCEDURE**

Appeals concerning permit decisions or actions by the Department to enforce the rules of this Section shall be conducted according to the procedures established in G.S. 150B, the Administrative Procedures Act.

*History Note:* Authority G.S. 87-87;  
*Eff.* July 1, 2008.

**15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES**

(a) The owner or operator of any facility holding a permit shall pay the following permit fees:

ANNUAL PERMIT FEES			
Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee
Title V	\$22.50 upon Rule effective date;	\$6,500	\$3,500
	\$25.00 on 01/01/2009;		
	\$27.50 on 01/01/2010;		
	\$30.00 on 01/01/2011 and thereafter.		
Synthetic Minor		\$1,500	
Small		\$250	
Transportation		\$0	
General	50% of the otherwise applicable fee		

A facility, other than a Title V facility, which has been in compliance is eligible for a 25 percent discount from the annual permit fees as described in Paragraph (a) of Rule .0205 of this Section. Annual permit fees for Title V facilities shall be adjusted for inflation as described in Rule .0204 of this Section. Annual permit fees for Title V facilities consist of the sum of the applicable fee elements.

(b) In addition to the annual permit fee, a permit applicant shall pay a non-refundable permit application fee as follows:

**PERMIT APPLICATION FEES  
(FEES FOR CALENDAR YEAR 1994)**

Facility Category	New or Modification	New or Significant Modification	Minor Modification	Ownership Change
Title V		\$7200	\$700	\$50
Title V (PSD or NSR/NAA)	\$10900			50
Title V (PSD and NSR/NAA)	21200			50
Synthetic Minor	400			50
Small	50			25
Transportation	400			50
General	50% of the otherwise applicable fee			25

Permit application fees for Title V facilities shall be adjusted for inflation as described in Rule .0204 of this Section.

(c) If a facility, other than a general facility, belongs to more than one facility category, the fees shall be those of the applicable category with the highest fees. If a permit application belongs to more than one type of application, the fee shall be that of the applicable permit application type with the highest fee.

(d) The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton, contained in the latest emissions inventory that has been completed by the Division. The calculation shall not include:

- (1) carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed under Section 602 of the federal Clean Air Act (ozone depleters);
- (3) any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases); and
- (4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted shall be counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee. If a facility has more than one permit, the tonnage factor fee for the facility's combined total actual emissions as described in this Paragraph shall be paid only on the permit whose anniversary date first occurs on or after July 1.

(e) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with 15A NCAC 02D .0531, 15A NCAC 02D .0900 (Volatile Organic Compounds), or 15A NCAC 02D .1400 (Nitrogen Oxides) and either:

- (1) are in a area designated in 40 CFR 81.334 as nonattainment, or
- (2) are covered by a nonattainment or maintenance State Implementation Plan

submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

(f) A Title V (PSD or NSR/NAA) facility is a facility whose application is subject to review under 15A NCAC 02D .0530 (Prevention of Significant Deterioration) or 15A NCAC 02D .0531 (Sources in Nonattainment Areas).

(g) A Title V (PSD and NSR/NAA) facility is a facility whose application is subject to review under 15A NCAC 02D .0530 (Prevention of Significant Deterioration) and 15A NCAC 02D .0531 (Sources in Nonattainment Areas).

(h) Minor modification permit applications that are group processed require the payment of only one permit application fee per facility included in the group.

(i) No permit application fee is required for renewal of an existing permit, for changes to an unexpired permit when the only reason for the changes is initiated by the Director or the Commission, for a name change with no ownership change, for a change under Rule .0523 (Changes Not Requiring Permit Revisions) of this Subchapter, or for a construction date change, a test date change, a reporting procedure change, or a similar change.

(j) The permit application fee paid for modifications under 15A NCAC 02Q .0400, Acid Rain Procedures, shall be the fee for the same modification if it were under 15A NCAC 02D .0500, Title V Procedures.

(k) An applicant who files permit applications pursuant to Rule .0504 of this Subchapter shall pay an application fee as would be determined by the application fee for the permit required under Section .0500 of this Subchapter; this fee will cover both applications provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued under Section .0500 of this Subchapter will be established or modified by an application for a modification and if these terms or conditions are enforceable by the Division only, then the applicant shall pay the fee under the column entitled "02Q .0300 Only or Minor Modification" in the table in Paragraph (b) of this Rule.

*History Note:* Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;

*Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner.*

*Eff. July 1, 1994;*

*Amended Eff. March 1, 2008; April 1, 2004; April 1, 2001; July 1, 1996.*

**15A NCAC 02Q .0204 INFLATION ADJUSTMENT**

Beginning in 2012, the fees of Rule .0203 of this Section for Title V facilities shall be adjusted as of January 1<sup>st</sup> of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar (\$10.00) increment.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;*

*Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;*

*Eff. July 1, 1994;*

*Amended Eff. March 1, 2008; July 1, 1996.*

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**15A NCAC 06E .0102 DEFINITIONS FOR SUBCHAPTER 06E**

In addition to the definitions found in G.S. 143-215.74, the following terms used in this Subchapter have the following meanings:

- (1) Agriculture Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source as a result of agricultural activities related to crop production, production and management of poultry and livestock, land application of waste materials, and management of forestland incidental to agricultural production.
- (2) Allocation means the annual share of the state's appropriation to participating districts.
- (3) Applicant means a person(s) who applies for best management practice cost sharing monies from the district. An applicant may also be referred to as a cooperator. All entities, with which the applicant is associated, including those in other counties, shall be considered the same applicant.
- (4) Average Costs means the calculated cost, determined by averaging actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other direct costs required for physical installation of a practice.
- (5) Best Management Practice (BMP) means a structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (6) Conservation Plan of Operation (CPO) means a written plan scheduling the applicant's decisions concerning land use, and both cost

- (7) shared and non-cost shared BMPs to be installed and maintained on the operating unit. Cost Share Agreement means an annual or long term agreement between the applicant and the district which defines the BMPs to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement shall state that the recipient shall maintain and repair the practice(s) for the specified minimum life of the practice. The Cost Share Agreement shall have a maximum contract life of three years for BMP installation. The district shall perform an annual status review during the installation period.
- (8) Cost Share Incentive (CSI) means a predetermined fixed payment paid to an applicant for implementing a BMP in lieu of cost share.
- (9) Cost Share Rate means a cost share percentage paid to an applicant for implementing BMPs.
- (10) Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program, year including BMPs that will be eligible for cost sharing and the minimum life expectancy of those practices.
- (11) District BMP means a BMP designated by a district to reduce the delivery of agricultural NPS pollution and which is reviewed and approved by the Division to be technically adequate prior to funding.
- (12) Encumbered Funds means monies from a district's allocation which have been committed to an applicant after initial approval of the cost share agreement.
- (13) Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical position.
- (14) In-kind Contribution means a contribution by the applicant towards the implementation of BMPs. In-kind contributions shall be approved by the district and can include but not be limited to labor, fuel, machinery use, and supplies and materials necessary for implementing the approved BMPs.
- (15) Landowner means any natural person or other legal entity, including a governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but does not include an estate at will or by sufferance in land. Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, by whatever name called, exercising similar powers for similar purposes, can be a landowner for the purposes of these Rules if

- the governmental agency holds an easement in land.
- (16) Program Year means the period from July 1 through June 30 for which funds are allocated to districts.
  - (17) Proper Maintenance means that a practice(s) is being maintained such that the practice(s) is successfully performing the function for which it was originally implemented.
  - (18) Soil Loss Tolerance (t) means the maximum allowable annual soil erosion rate to maintain the soil resource base, depending on soil type.
  - (19) Strategy Plan means the annual plan for the N.C. Agriculture Cost Share Program for Nonpoint Source Pollution Control to be developed by each district. The plan identifies pollution treatment needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.
  - (20) Technical Representative of the district means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMPs. These practices shall be technically reviewed by the Division. The district chairman shall certify that the technical representative has properly planned, designed and inspected the BMPs.
  - (21) Unencumbered Funds means the portion of the allocation to each district which has not been committed for cost sharing.

*History Note: Authority G.S. 139-3; 143-215.74; 143B-294; Eff. May 1, 1987; Temporary Amendment Eff. September 23, 1996; Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996; Amended Eff. April 1, 1997; Temporary Amendment Expired June 13, 1997; Amended Eff. March 1, 2008; July 1, 2004.*

**15A NCAC 06E .0105 COST SHARE AND INCENTIVE PAYMENTS**

- (a) Cost share and incentive payments may be made through Cost Share Agreements between the district and the applicant.
- (b) For all practices except those eligible for CSI, the state shall provide a percentage of the average cost for BMP installation not to exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-215.74(b), and the applicant shall contribute the remainder of the cost. In-kind contributions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall be specified in the agreement for cost sharing and shall be approved by the district.
- (c) CSI payments shall be limited to a maximum of three years per farm.
- (d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive

payments shall be updated and revised at least triennially by the Division for approval by the Commission.

- (e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in subdivisions (6) and (9) of G.S. 143-215.74(b).
- (f) Cost share payments to implement BMPs under this program may be combined with other funding programs, as long as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e) of this Rule. For special funding programs where the applicant relinquishes all production capability on his or her agricultural land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program funding shall not exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).
- (g) Use of cost share payments is restricted to land located within the county approved for funding by the Commission. However, in the situation where an applicant's farm is not located solely within a county, the entire farm, if contiguous, shall be eligible for cost share payments.
- (h) Cost share contracts used on or for local, state or federal government land must be approved by the Commission in order to avoid potential conflicts of interest and to ensure that such contracts are consistent with the purposes of this program.
- (i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts less than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b) if:
  - (1) The Commission allocates insufficient cost share BMP funding to the district to enable it to award funding to all applicants;
  - (2) The district establishes other criteria in its annual strategy plan for cost sharing percentages or amounts less than those allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).
- (j) For purposes of determining eligible payments under practice-specific caps described in the detailed implementation plan, the district board shall consider all entities with which the applicant is associated, including those in other counties, as the same applicant.

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294; Eff. May 1, 1987; Temporary Amendment Eff. September 23, 1996; Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996; Temporary Amendment Expired June 13, 1997; Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998.*

**15A NCAC 06E .0108 DISTRICT PROGRAM OPERATION**

- (a) As a component of the annual strategy plan, the district shall prioritize both cropland and animal operations according to pollution potential. The district shall target technical and financial assistance to facilitate BMP implementation on the identified critical areas.

- (b) Priority by the district may be given to implementing systems of BMP's which provide the most cost effective reduction of nonpoint source pollution.
- (c) All applicants shall apply to the district and complete the necessary forms in order to receive cost share payments.
- (d) The district shall review each application and the feasibility of each application. The district shall review and approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share approval or denial.
- (e) Upon approval of the application by the district, the applicant and the district shall enter into a cost share agreement. The cost share agreement shall list the practices to be cost shared with state funds. The agreement shall also include the average cost of the recommended practice(s), cost incentive payment of the practice(s), and the expected implementation date of the practice(s). The District shall develop CPO's, which shall become a part of the cost share agreement.
- (f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district of compliance with design specifications.
- (g) Upon notification, the district shall review the CPO. Upon approval, the district shall certify the practices in the CPO and notify the Division to make payment to the applicant.
- (h) Upon receipt of a quarterly statement from the district, the Division shall reimburse to the district the appropriate amount for technical and clerical assistance.
- (i) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0107(e) of this Section to insure proper maintenance and continuation under the cost share agreement.
- (j) The district shall keep appropriate records dealing with the program.

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;  
Eff. May 1, 1987;  
Recodified from 15A NCAC 6E .0008 Eff. December 20, 1996;  
Amended Eff. March 1, 2008; November 1, 1997.*

**15A NCAC 06I .0108 DISTRICT PROGRAM OPERATION**

- (a) As a component of the annual strategy plan district shall prioritize all natural resource concerns according to pollution potential. The district shall target technical and financial assistance to facilitate BMP implementation on the identified critical areas.
- (b) Priority by the district may be given to implementing systems of BMP's which provide the most cost effective reduction of nonpoint source pollution.
- (c) All applicants shall apply to the district and complete the necessary forms in order to receive cost share payments.
- (d) The district shall review each application and the feasibility of each application. The district shall review and approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share approval or denial.
- (e) Upon approval of the application by the district, the applicant and the district shall enter into a cost share agreement. The cost share agreement shall list the practices to be cost shared with state funds. The agreement shall also include the average

cost of the recommended practice(s), cost incentive payment of the practice(s), and the expected implementation date of the practice(s). The district shall develop CPOs, which shall become a part of the cost share agreement.

- (f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district of compliance with design specifications.
- (g) Upon notification, the district shall review the CPO. Upon approval, the district shall certify the practices in the CPO and notify the Division to make payment to the applicant.
- (h) Upon receipt of a quarterly statement from the district, the Division shall reimburse to the district the appropriate amount for technical and clerical assistance.
- (i) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0107(d) of this Section to insure proper maintenance and continuation under the cost share agreement.
- (j) The district shall keep appropriate records dealing with the program.

*History Note: Authority G.S. 139-4; 139-8; 143-215.74(M); 143B-294;  
Eff. March 1, 2008.*

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**15A NCAC 10F .0201 SAFETY EQUIPMENT**

(a) Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission adopts the following federal regulations, to be applicable to vessels operated on all waters of this state as defined by G.S. 75A-2(6): Code of Federal Regulations, Title 46, Part 25, and Title 33, Part 175, as supplemented by the Federal Register. To the extent that the vessel equipment requirements of G.S. 75A-6 conflict with these federal regulations, they are hereby modified to conform to the federal regulations as authorized by G.S. 75A-6(m) and 113-307.

Without limitation to the adoption of the Federal regulations named herein, the rules set forth in subsections (b) through (e) shall apply to vessels operating in State waters.

- (b) Personal Flotation Devices (hereinafter referred to as PFDs).
  - (1) No person may operate a vessel unless at least one PFD of the following types is on board and readily accessible for each person:
    - (A) Type I PFD;
    - (B) Type II PFD; or
    - (C) Type III PFD.
  - (2) No person may operate a vessel 16 feet or more in length unless one type IV PFD is on board and immediately available for use, in addition to the total number of PFDs required in Subparagraph (1) of this Paragraph.
  - (3) No person may operate a vessel while such vessel is underway with any child under 13 years old aboard unless each such child is:
    - (A) wearing an appropriate PFD approved by the Coast Guard; or
    - (B) below decks; or

(C) in an enclosed cabin.

This Subparagraph does not apply to a vessel that is registered as a commercial vessel.

(4) A Type V PFD may be carried in lieu of any PFD required under Subparagraph (1) of this Paragraph provided:

(A) the approval label for the Type V PFD indicates that the device is approved for the activity for which the vessel is used; or

(B) the Type V PFD is used in accordance with the requirements on the approval label and with the requirements in its owners manual.

(5) No person may operate a vessel unless each required PFD is:

(A) in serviceable condition;

(B) of appropriate size and fit for the intended wearer;

(C) USCG approved; and

(D) legibly marked with its approval number, as specified in CFR Title 46 Part 25 and CFR Title 33 Part 175.

**(c) Fire Extinguishers**

(1) All motorboats shall carry at least the minimum number of USCG approved hand portable fire extinguishers specified in this Rule if any one of the following conditions exist:

(A) Closed compartments under thwarts and seats wherein portable fuel tanks may be stored;

(B) double bottoms not sealed to the hull or which are not completely filled with flotation material;

(C) closed living spaces;

(D) closed stowage compartments in which combustible or flammable materials are stowed;

(E) permanently installed fuel tanks; or

(F) motorboats of Class 2 or longer;

(2) Motorboats of Class A and 1 (less than 26 feet): One Type B-I

(3) Motorboats of Class 2; Two Type B-I extinguishers

(4) Motorboats of Class 3; Three Type B-I extinguishers

(5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire extinguishers. A fixed fire extinguishing system installed in the engine compartment is equal to one Type B-I hand portable fire extinguisher.

Exemption to fire extinguisher requirements: Open Vessels. Vessels less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

(d) Every engine installed in a vessel using gasoline as fuel must be equipped with an acceptable means of backfire flame control, except outboard motors. An acceptable means of backfire flame control meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175.

(e) Every vessel, except those Open Vessels defined in Paragraph (c) of this Rule, using as fuel any liquid of a volatile nature, shall be provided with such means of properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases. Proper and efficient ventilation meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175.

**(f) Sound Devices**

(1) Vessels of less than 12 meters (39.4 feet) in length shall be equipped with some means of making an efficient sound signal.

(2) Vessels greater than 12 meters (39.4 feet) in length shall be provided with a whistle and a bell which complies with 33 USC 2033.

(g) Lights. The lights prescribed by these Rules shall be exhibited from sunset to sunrise, and in restricted visibility. During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with keeping a proper lookout. They may be exhibited in all other circumstances when deemed necessary:

(1) Vessels greater than 12 meters (39.4 feet) but less than 20 meters (65.6 feet) in length shall exhibit:

(A) A masthead light forward visible for three miles;

(B) Sidelights, green to starboard and red to port visible for two miles; and

(C) A stern light visible for two miles;

(2) Vessels less than 12 meters (39.4 feet) in length shall exhibit:

(A) An all-round white light visible for two miles; and

(B) Sidelights, green to starboard and red to port visible for 1 mile;

(3) Sailing vessels underway that are seven meters (23 feet) in length or greater shall exhibit:

(A) A stern light visible for two miles; and

(B) Sidelights, green to starboard and red to port visible for two miles;

(4) In a sailing vessel less than 20 meters in length the lights prescribed in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of the mast where it can be best seen;

(5) A sailing vessel of less than seven meters (23 feet) in length shall, if practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not the vessel shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision;

- (6) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if not, shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision; and
- (7) Vessels of 10 Horsepower or Less. On waters of this State not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. On waters of this State that are subject to the jurisdiction of the United States, this exception, though permissible under state law, is not sanctioned by any federal law or regulation.

*History Note: Authority G.S. 75A-3; 75A-6; 113-307; Eff. February 1, 1976; Amended Eff. March 1, 2008; April 1, 1999; August 1, 1988; May 1, 1976.*

## **TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

### **CHAPTER 32 – MEDICAL BOARD**

#### **21 NCAC 32V .0115 FEES**

- (a) A fee of three hundred and fifty dollars (\$350.00) is due at the time of application for a perfusion license and a fee of one hundred and seventy five dollars (\$175.00) is due at the time of application for a provisional perfusion license. No portion of the application fee is refundable.
- (b) A fee of three hundred and fifty dollars (\$350.00) shall be paid to the North Carolina Medical Board for biennial renewal of a perfusion license and a fee of one hundred and seventy five dollars (\$175.00) for annual renewal of a provisional perfusion license.
- (c) A late fee of one hundred dollars (\$100.00) shall be charged to those who fail to renew either a perfusion license or a provisional perfusion license within thirty days after the expiration date of the license.

*History Note: Authority G.S. 90-685(7); 90-688; 90-689; 90-690; Eff. March 1, 2008.*

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### **CHAPTER 34 – BOARD OF FUNERAL SERVICE**

#### **21 NCAC 34B .0407 DEFINITIONS**

For purposes of Section .0400, the following definitions shall apply:

- (1) "Accredited sponsor" shall mean an organization whose continuing education offerings have been accredited by the Board.
- (2) "Approved activity" shall mean a specific, individual continuing education activity presented by an accredited sponsor or presented by other than an accredited sponsor if such activity is approved as a continuing education activity under the Rules in this Section by the Continuing Education Committee of the Board.
- (3) "Continuing education" or "CE" is any educational activity accredited by the Board. CE includes educational activities designed principally to maintain or increase the professional competence of licensees or the understanding of the professional responsibilities of licensees.
- (4) "Continuing Education Committee" shall mean the Continuing Education Committee of the North Carolina Board of Funeral Service.
- (5) "Credit hour" means an increment of time of 50 minutes which may be divided into segments of 25 minutes, but no smaller.
- (6) "Inactive licensee" shall mean a licensee of the North Carolina State Board of Funeral Service who is on inactive status.
- (7) "Licensee" shall include any person who is licensed by the Board to practice funeral directing, embalming, or funeral service in the state of North Carolina and whose license is active.
- (8) "Participatory CE" shall mean courses or segments of courses that encourage the participation of attendees in the educational experience through, for example, the analysis of hypothetical situations, role playing, mock trials, roundtable discussions, or debates.
- (9) "Self-study" shall mean the reading of professional articles, journals, magazines, and books or the watching of programs on the topics of funeral directing, embalming and funeral services that will increase the licensee's professional competence and proficiency as a licensee.
- (10) "Sponsor" is any person or entity presenting or offering to present one or more continuing education programs, whether or not an accredited sponsor.
- (11) "Year" shall mean calendar year.
- (12) "Course" shall mean the instructional content of the material being presented.
- (13) "CE Program" shall mean the date, time, and location of the presentation of a CE course.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);*

*Eff. July 1, 2005;*

*Amended Eff. March 1, 2008.*

## **21 NCAC 34B .0409 COURSE ACCREDITATION STANDARDS**

(a) The content of a CE activity must have intellectual or practical content designed to maintain or increase the participant's professional competence and proficiency as a licensee or the participant's understanding of the professional responsibilities of a licensee. The activity shall constitute an organized program course of learning dealing with matters directly related to the practice of funeral directing, embalming, or funeral service. The activity shall include an opportunity for the participants to ask questions of the presenter about its content. Courses that cross academic lines, such as insurance seminars, may be considered for approval by the Board. However, the Board must be satisfied that the content of the activity is directly related to preneed or would otherwise enhance funeral directing and funeral service skills.

(b) Credit may be given for continuing education activities where live instruction is used or mechanically or electronically recorded or reproduced material is used, including videotape or satellite transmitted programs. Subject to the limitations set forth in 21 NCAC 34B .0408(a) and 21 NCAC 34B .0414, credit may also be given for continuing education activities on CD-ROM and on a computer website accessed via the Internet.

(c) Continuing education materials shall be prepared, and activities conducted, by an individual or group able to lead the CE activity and to answer questions from the participants about its content. Examples of individuals and groups able to lead the CE activity and to answer questions from the participants about its content include:

- (1) Funeral professionals licensed by the Board or by the authority of another jurisdiction who are actively engaged full time in a capacity consistent with the individual's license designation for at least three years immediately preceding the date of the CE activity.
- (2) Instructors employed by a program or college of mortuary science in a capacity consistent with the courses of study required as a prerequisite to licensing, as defined in G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2.
- (3) Instructors employed by academic institutions in a capacity consistent with the instruction of the courses of study required as a prerequisite to licensing, as defined by G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2.

(d) Continuing education activities shall be conducted in a setting physically suitable to the educational activity of the program and equipped with suitable writing surfaces and sufficient space for taking notes.

(e) Thorough, high quality, and carefully prepared, written materials must be distributed to all attendees at or before the time the course is presented. As used in this Paragraph, "thorough, high quality, and carefully prepared written materials" means materials that correspond to the content of the CE activity and are free from errors, including written materials

printed from a computer website or CD-ROM, but excluding any materials that refer to a product of a specific manufacturer or to a service offered by a specific provider. The Board may waive the requirement that written materials be provided if written materials would not be suitable or readily available for the CE activity.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. July 1, 2005;*

*Amended Eff. March 1, 2008.*

## **21 NCAC 34B .0411 GENERAL COURSE APPROVAL**

(a) Mortuary Science College Courses – Courses covering subjects required by G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2 that are offered for academic credit by a mortuary science college approved by the Board or accredited by the American Board of Funeral Service Education shall be approved activities unless the course is taken to obtain a funeral director, embalmer, or funeral service license. Computation of CE credit for such courses shall be as prescribed in 21 NCAC 34B .0415. No more than five CE hours in any year may be earned by such courses except in the cases of an inactive licensee who is seeking to earn enough CE credit to return to active status or an individual whose license has lapsed and who is seeking to reinstate the license. No credit is available for mortuary science college courses attended prior to becoming an active licensee of the North Carolina Board of Funeral Service, except in the case of an inactive licensee who is seeking to earn enough CE credits to return to an active status.

(b) Approval – CE activities shall be approved upon the written application of a sponsor, other than an accredited sponsor, or of an active licensee on an individual program basis. An application for the approval of such CE courses and programs shall meet the following requirements:

- (1) The application and supporting documentation, including one complete set of the written materials to be distributed at the course or program, shall be submitted at least 30 days prior to the date on which the course or program is scheduled.
- (2) The application shall be submitted on a form furnished by the Board. The form shall require the applicant to furnish the name and address of the course sponsor, the title, date, length, and location of the course, and any other information the Board deems necessary as required by law.
- (3) The application shall be accompanied by a course outline or brochure that describes the content, identifies the teachers, lists the time devoted to each topic and shows each date and location at which the course or program will be offered.
- (4) The application shall include a calculation of the total number of CE hours using the method prescribed in 21 NCAC 34B .0415.

(c) Course Quality – The application and written materials provided shall reflect that the program to be offered meets the requirements of 21 NCAC 34B .0409. Written materials



consisting merely of an outline without citation or explanatory notations shall not be sufficient for approval. Any sponsor, including an accredited sponsor, who expects to conduct a CE activity for which suitable written materials will not be made available to all attendees may obtain approval for that activity only by application to the Board at least 30 days in advance of the presentation showing why written materials are not suitable or readily available for such a program.

(d) Records – Sponsors, including accredited sponsors, shall within 30 days after the course is concluded:

- (1) furnish to the Board a list in alphabetical order, on electronic media if available, of the names of all North Carolina attendees and their North Carolina Board of Funeral Service license numbers;
- (2) furnish to the Board a complete set of all written materials distributed to attendees at the course or program.

(e) Announcement – Accredited sponsors and other sponsors who have approval for courses may include in their brochures or other course descriptions the information contained in the following illustration:

This course [or seminar or program] has been approved by the North Carolina Board of Funeral Service for continuing education credit in the amount of \_\_\_\_ hours. This course is not sponsored by the Board.

(f) Notice - Sponsors not having approval shall make no representation concerning the approval of the course for CE credit by the Board. The Board shall mail a notice of its decision on CE activity approval requests within 15 days of their receipt. Approval thereof shall be deemed if the notice is not mailed within 30 days. This automatic approval will not operate if the sponsor contributes to the delay by failing to provide all information requested by the Board or if the Board notifies the sponsor that the matter has been tabled and the reason therefore.

(g) Facilities - Sponsors must provide a facility conducive to learning with sufficient space for taking notes. Sponsors must also ensure the following requirements are met:

- (1) Access to the facility shall be controlled so that attendees actually attend the entire program or portion of the program for which they are seeking credit. Attendees who are late or who leave early shall not be given credit for the portion of the program that they missed.
- (2) All licensees who attend a program and desire credit for attendance must present their license pocket card to gain admission to the program.
- (3) The individual or organization conducting the continuing education program must use registration sign in/sign out sheets to ensure attendance by all participants.
- (4) The reading of outside material, such as newspapers and magazines, is prohibited during a CE program.
- (5) Cell phones and other disruptive devices must be turned off or switched to a silent mode of operation during instructional periods of the CE program.

- (6) Persons obtaining CE hours for license reinstatement shall be provided a temporary card, valid for one year from the date of issue, from the Board in order to be allowed entrance to CE programs.

(h) Course Materials - In addition to the requirements of 21 NCAC 34B .0411(d) and (f) above, sponsors, including accredited sponsors, and active licensees seeking credit for an approved activity shall furnish upon request of the Board a copy of all materials presented and distributed at a CE course or program.

(i) Non-funeral service Educational Activities - Approval of courses shall not be given for general and personal educational activities. For example, the following types of courses shall not receive approval:

- (1) courses within the normal college curriculum such as English, history, and social studies;
- (2) courses that deal with sales and advertising only and would not further educate a licensee as to his or her product knowledge and development of funeral procedures and management models designed to increase the level of service provided to the consumer.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. July 1, 2005; Amended Eff. March 1, 2008.*

**21 NCAC 34B .0413 ACCREDITATION OF PRERECORDED PROGRAMS AND LIVE PROGRAMS BROADCAST TO REMOTE LOCATIONS BY TELEPHONE, SATELLITE, OR VIDEO CONFERENCING EQUIPMENT**

(a) A licensee may receive up to one hour of CE credit each year for attendance at, or participation in, a presentation where prerecorded material is used.

(b) A licensee may receive credit for participation in a live presentation which is simultaneously broadcast by telephone, satellite, or video conferencing equipment. The licensee may participate in the presentation by listening to or viewing the broadcast from a location that is remote from the origin of the broadcast.

(c) A licensee attending a prerecorded presentation is entitled to credit hours if

- (1) the presentation from which the program is recorded would, if attended by an active licensee, be an accredited course; and
- (2) all other conditions imposed by the rules in this Subchapter are met.

(d) A licensee attending a presentation broadcast by telephone, satellite, or video conferencing equipment is entitled to credit if:

- (1) the live presentation of the program would, if attended by a licensee, be an accredited course;
- (2) there is a question and answer session with the presenter or presenters subject to the limitations set forth in 21 NCAC 34B .0415(b)(5); and

- (3) all other conditions imposed by the rules in this Subchapter are met.
- (e) To receive approval for attendance at programs described in Paragraphs (a) and (b) of this Rule, the following conditions must be met:
- (1) Unless the entire program was produced by an accredited sponsor, the person or organization sponsoring the program must receive advance approval and accreditation from the Board;
  - (2) The person or organization sponsoring the program must have a method for recording and verifying attendance. Attendance at a telephone broadcast may be verified by assigning a personal identification number to a licensee. The person or organization sponsoring the program must forward a copy of the record of attendance of active licensees to the Board within 30 days after the presentation of the program is completed. Proof of attendance may be made by the verifying person on a form provided by the Board;
  - (3) Unless inappropriate for the particular course, detailed papers, manuals, study materials, or written outlines are presented to the persons attending the program which only pertain to the subject matter of the program. Any materials made available to persons attending the original or live program must be made available to those persons attending the prerecorded or broadcast program who desire to receive credit under the rules in this Section; and
  - (4) A room suitable for viewing the program and taking notes must be available.
- (f) A minimum of five licensees must physically attend the presentation of a prerecorded program in the same location. This requirement does not apply to participation from a remote location in the presentation of a live broadcast by telephone, satellite, or video conferencing equipment.
- (g) EXAMPLES:
- EXAMPLE (1): Licensee X attends a videotape seminar sponsored by an accredited sponsor. If a person attending the program from which the videotape is made would receive credit, Licensee X is also entitled to receive credit, if the additional conditions under this Rule are also met.
- EXAMPLE (2): Licensee Y desires to attend a videotape program. However, the proposed videotape program (a) is not presented by an accredited sponsor, and (b) has not received individual course approval from the Board. Licensee Y shall not receive any credit hours for attending that videotape presentation.
- EXAMPLE (3): Licensee Z attends a videotape program. The presentation of the program from which the videotape was made has already been held and approved by the Board for credit. However, no person is present at the videotape program to record attendance. Licensee Z shall not obtain credit for viewing the videotape program unless it is viewed in the presence of a person who is not attending the videotape program for credit and

who verifies the attendance of Licensee Z and of other licensees at the program. All other conditions of this Rule must also be met.

EXAMPLE (4): Licensee A listens to a live telephone seminar using the telephone in the conference room of her funeral establishment. To record her attendance, Licensee A was assigned a person identification number (PIN) by the seminar sponsor. Once connected, Licensee A punched in the PIN number on her touch tone phone and her attendance was recorded. The seminar received individual course approval from the Board. Licensee A shall receive credit if the additional conditions under this Rule are also met.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. July 1, 2005; Amended Eff. March 1, 2008.*

## **21 NCAC 34B .0414 ACCREDITATION OF COMPUTER-BASED CE**

(a) Effective for courses attended on or after July 1, 2004, a licensee may receive up to one hour of credit each year for participation in a course on CD-ROM or on-line. A CD-ROM course is an educational seminar on a compact disk that is accessed through the CD-ROM drive of the user's personal computer. An on-line course is an educational seminar available on a provider's website reached via the Internet.

(b) A licensee may apply up to one credit hour of computer-based CE to a CE deficit from a preceding calendar year. A computer-based CE credit hour applied to a deficit from a preceding year will be included in calculating the maximum of one hour of computer-based CE allowed in the preceding calendar year. A licensee may carry over to the next calendar year no more than one credit hour of computer-based CE pursuant to 21 NCAC 34B .0408. A credit hour carried-over pursuant to 21 NCAC 34B .0408 shall not be included in calculating the one hour of computer-based CE allowed in any one calendar year.

(c) To be accredited, a computer-based CE course must meet all of the conditions imposed by the rules in this Subchapter, except where otherwise noted, and be interactive, permitting the participant to communicate, via telephone, electronic mail, or a website bulletin board, with the presenter or other participants.

(d) The sponsor of an on-line course must have a reliable method for recording and verifying attendance. The sponsor of a CD-ROM course must demonstrate that there is a reliable method for the user or the sponsor to record and verify participation in the course. A participant may log on and off of a computer-based CE course provided the total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. A copy of the record of attendance must be forwarded to the Board within 30 days after a licensee completes his or her participation in the course.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. July 1, 2005; Amended Eff. March 1, 2008.*

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**CHAPTER 38 – BOARD OF OCCUPATIONAL THERAPY**

**21 NCAC 38 .0305 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS**

All occupational therapists and occupational therapy assistants are under a continuing duty to report to the Board within 30 days all:

- (1) convictions of or pleas of guilty or no contest to a felony or any crime such as fraud that involves moral turpitude; and
- (2) civil lawsuits arising out of or related to a licensee's practice of occupational therapy.

*History Note: Authority G.S. 90-270.69(2),(4); 90-270.74; Eff. July 1, 1985; Amended Eff. March 1, 2008; July 1, 2007; May 1, 1989.*

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**CHAPTER 54 – PSYCHOLOGY BOARD**

**21 NCAC 54 .1612 CRIMINAL HISTORY RECORD CHECK**

A licensee who is under investigation by the Board shall submit to the Board the following within 30 days of receipt of written communication from the Board or its agent that a criminal history record check is required:

- (1) signed consent form;
- (2) completed Fingerprint Record Card;
- (3) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check; and
- (4) other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check.

*History Note Authority G.S. 90-270.9; 90-270.22(a); Eff. March 1, 2008.*

**21 NCAC 54 .1701 INFORMATION REQUIRED**

(a) Except as provided in Paragraph (b) of this Rule and Rule .1707 of this Section, the information required for each applicant for licensure shall consist of:

- (1) typed or legibly printed, notarized application form;
- (2) application fee;
- (3) typed or legibly printed, notarized supervision contract form;
- (4) signed consent form, completed Fingerprint Record Card, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
- (5) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check;
- (6) official transcript(s) sent directly to the Board by any institution of higher education from which the applicant received a graduate degree

- or otherwise completed graduate course work in psychology;
  - (7) completed supervisor forms from present and past supervisors;
  - (8) three completed reference forms from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist;
  - (9) written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed, if applicable;
  - (10) official report of any previous score obtained on the Examination for Professional Practice in Psychology sent directly to the Board from the Association of State and Provincial Psychology Boards, if applicable; and
  - (11) additional documentation regarding educational credentials described in 21 NCAC 54 .1802 and 21 NCAC 54 .1803, if applicable.
- (b) The information required for each applicant applying for licensure on the basis of holding a current credential for psychology licensure mobility shall consist of:
- (1) typed or legibly printed, notarized application form;
  - (2) affidavit which attests to having no unresolved complaint in any jurisdiction at the time of application in North Carolina;
  - (3) application fee;
  - (4) typed or legibly printed, notarized supervision contract form;
  - (5) signed consent form, completed Fingerprint Record Card, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
  - (6) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check;
  - (7) official transcript sent directly to the Board by the institution of higher education from which the applicant received his or her doctoral degree in psychology; or if applicable, a copy of the transcript sent directly to the Board by either the Association of State and Provincial Psychology Boards, National Register of Health Service Providers in Psychology, or American Board of Professional Psychology;
  - (8) three completed reference forms from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist;

- (9) written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed;
- (10) written verification sent directly to the Board from the applicable organization(s) that the applicant holds a current credential in good standing for psychology licensure mobility, as follows:
  - (A) Certificate of Professional Qualification (CPQ) from the Association of State and Provincial Psychology Boards;
  - (B) registrant in the National Register of Health Service Providers in Psychology; or
  - (C) diplomate of the American Board of Professional Psychology; and
- (11) documentation of meeting requirements for health services provider certification as specified in Section .2700 of this Chapter, if applicable.

(c) An application shall contain all required materials to be complete. An incomplete application shall be active for three months from the date on which the application is received in the Board office. At the end of such time, if still incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application process. If the individual chooses to pursue licensure at a later date, the individual shall totally reapply.

(d) To be considered to have made application pursuant to G.S. 90-270.5(a), the information specified in Subparagraphs (a)(1) through (a)(5) of this Rule, or Subparagraphs (b)(1) through (b)(6) of this Rule if applying on the basis of a mobility credential, shall be filed in the Board office within 30 days of offering to practice or undertaking the practice of psychology in North Carolina.

*History Note: Authority G.S. 90-270.4(h); 90-270.5(a); 90-270.9; 90-270.11(a),(b); 90-270.13(a) (b); 90-270.15; 90-270.22(a);*

*Eff. September 1, 1982;*

*Amended Eff. March 1, 2008; September 1, 2005; January 1, 1996; November 1, 1991; March 1, 1989; June 1, 1988.*

## **21 NCAC 54 .1707 SENIOR PSYCHOLOGIST**

(a) A senior psychologist is someone who has achieved longevity in the practice of psychology and has demonstrated exemplary professional behavior over the course of his/her career, as defined in this Rule.

(b) Except as provided in Paragraph (c) of this Rule, to be approved for licensure at the Licensed Psychologist level on the basis of senior psychologist status, an applicant shall hold a

doctoral degree in psychology from an institution of higher education and shall meet all of the following requirements:

- (1) is licensed and has been licensed for 12 continuous years at the doctoral level by one or more other state or provincial psychology boards which are members of the Association of State and Provincial Psychology Boards, during which time, and in which jurisdiction(s), he/she has practiced psychology for a minimum of 10 years on at least a half-time (i.e., 20 hours per week) basis;
- (2) has had no disciplinary sanction during his/her period of licensure in any jurisdiction;
- (3) has no unresolved complaint in any jurisdiction at the time of application or during the pendency of application in North Carolina; and
- (4) passes the North Carolina State Examination.

(c) An applicant who received the doctoral degree prior to January 1, 1978, upon which his or her psychology licensure in another jurisdiction is based, shall hold a doctoral degree from an institution of higher education and meet all of the requirements specified in Subparagraphs (b)(1) through (b)(4) of this Rule.

(d) Except as provided in Paragraph (e) of this Rule, to be approved for licensure at the Licensed Psychological Associate level on the basis of senior psychologist status, an applicant shall hold a master's, specialist, or doctoral degree in psychology from an institution of higher education and shall meet all of the following requirements:

- (1) is licensed and has been licensed for 12 continuous years at the master's level by one or more other state or provincial psychology boards which are members of the Association of State and Provincial Psychology Boards, during which time, and in which jurisdiction(s), he/she has practiced psychology for a minimum of 10 years on at least a half-time (i.e., 20 hours per week) basis;
- (2) has had no disciplinary sanction during his/her entire period of licensure in any jurisdiction;
- (3) has no unresolved complaint in any jurisdiction at the time of application or during the pendency of application in North Carolina; and
- (4) passes the North Carolina State Examination.

(e) An applicant who received the degree prior to January 1, 1978, upon which his or her psychology licensure in another jurisdiction is based, shall hold a master's, specialist, or doctoral degree from an institution of higher education and meet all of the requirements specified in Subparagraphs (d)(1) through (d)(4) of this Rule.

(f) The information required for each applicant shall consist of:

- (1) typed or legibly printed, notarized application form, including an affidavit which attests to meeting the requirements specified in Subparagraphs (b)(1) through (b)(3) or

- Subparagraphs (d)(1) through (d)(3) of this Rule, as applicable;
- (2) typed or legibly printed, notarized supervision contract form;
- (3) application fee;
- (4) signed consent form, completed Fingerprint Record Card, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
- (5) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check;
- (6) official college transcript(s) sent directly to the Board by any training institution(s) from which the applicant received a graduate degree;
- (7) three completed reference forms from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist; and
- (8) written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed.

(g) An application shall contain all requested materials to be complete. An incomplete application shall be active for three months from the date on which the application is received in the Board office. At the end of such time, if still incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application process. If the individual chooses to pursue licensure at a later date, the individual shall totally reapply.

(h) To be considered to have made application pursuant to G.S. 90-270.5(a), the information specified in Subparagraphs (f)(1) through (f)(5) of this Rule shall be filed in the Board office within 30 days of offering to practice or undertaking the practice of psychology in North Carolina.

*History Note: Authority G.S. 90-270.4(h); 90-270.5(a); 90-270.9; 90-270.13(a),(e); 90-270.22(a);*

*Eff. January 1, 1996;*

*Amended Eff. March 1, 2008; August 1, 2006.*

## **21 NCAC 54 .2103 REINSTATEMENT**

(a) The information required for each applicant requesting reinstatement of licensure within 30 days after a license has been suspended due to non-renewal shall consist of:

- (1) completed renewal application form;
- (2) documentation of having completed a minimum of 18 continuing education hours as specified in Rule .2104 of this Section during the two years preceding the date of application for reinstatement of licensure;

- (3) completed supervision report form, if applicable; and

- (4) payment of the renewal and reinstatement fees.

The information listed in this Paragraph shall be filed in the Board office within 30 days after a license has been suspended due to non-renewal.

(b) The information required for each applicant requesting reinstatement of licensure after a license has been suspended for more than 30 days due to non-renewal or after a license has been voluntarily relinquished with the Board's consent shall consist of:

- (1) typed or legibly printed, notarized application form and supervision contract form;
- (2) signed consent form, completed Fingerprint Record Card, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
- (3) payment of fee required by the North Carolina Department of Justice to perform a criminal history record check;
- (4) documentation of having completed a minimum of 18 continuing education hours as specified in Rule .2104 of this Section during the two years preceding the date of application for reinstatement of licensure;
- (5) completed information forms from present and past supervisors;
- (6) three completed reference forms from professionals who are familiar with the applicant's current work, one of which shall be from a doctoral level psychologist;
- (7) written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed, if applicable;
- (8) official graduate college transcripts, not on file in the Board's office, sent directly to the Board by the training institution(s); and
- (9) payment of the renewal and reinstatement fees within 30 days after receiving notification from the Board that reinstatement of licensure has been approved.

(c) An application shall contain all requested materials to be complete. An incomplete application shall be active for three months from the date of application. At the end of such time, if still incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application process. If the individual chooses to pursue licensure at a later date, the individual shall totally reapply.

(d) To be considered to have made application for reinstatement of licensure pursuant to G.S. 90-270.5(a), the information specified in Subparagraphs (b)(1) through (b)(4) of this Rule shall be filed in the Board office within 30 days of offering to

practice or undertaking the practice of psychology in North Carolina.

(e) Reexamination may be required for reinstatement.

*History Note: Authority G.S. 90-270.9; 90-270.14(a)(2); 90-270.15(f),(h); 90-270.22(a); Eff. August 1, 1984; Amended Eff. March 1, 2008; May 1, 1996; November 1, 1991; March 1, 1989.*

**21 NCAC 54 .2706 HSP-PA REQUIREMENTS**

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

(b) An applicant shall demonstrate that he/she holds a master's, specialist, or doctoral degree which provides an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section and which meets the following requirements:

- (1) The master's, specialist, or doctoral program in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.
- (2) Within the applicant's training program in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:
  - (A) mental, emotional, and behavioral disorder, disability, and illness;
  - (B) substance abuse;
  - (C) habit and conduct disorder; or
  - (D) psychological aspects of physical illness, accident, injury, and disability.
- (3) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health services in psychology if the applicant establishes that requirements set forth in Subparagraphs (b)(1) and (b)(2) of this Rule have been met through a master's, specialist, or doctoral degree program in psychology in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, school psychology,

health psychology, or substance abuse treatment psychology.

(4) If the applicant is unable to establish that he or she has a master's, specialist, or doctoral degree from a program in psychology that provides training in the provision of health services, the applicant shall not be eligible for HSP-PA certification. This shall apply even if the applicant establishes that course work in the areas listed in Subparagraph (b)(2) of this Rule was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed training program in health services in psychology.

(5) An applicant who has completed a program in psychology that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-PA certification.

(6) Only course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be considered by the Board to establish that an applicant has an academic foundation in the provision of health services.

(7) Applicants for HSP-PA who received their degrees during or after 1997 shall document that their degree program included an internship, externship, practicum, or supervised field experience at a site providing health services. This supervised training experience shall meet all of the following criteria:

(A) It shall be a planned and directed program of training in health services, in contrast to on-the-job training, and shall provide the trainee with a planned and directed sequence of training integrated with the educational program in which the student is enrolled. This supervised training experience shall be planned by the educational program faculty and training site staff rather than by the student.

(B) The supervised training experience shall have a written description detailing the program of training, or a written agreement, developed prior to the time of the training, between the student's educational program and the training site. Such an agreement shall

- be approved by the student's educational program prior to the beginning of the supervised training experience.
- (C) The supervised training experience site shall have a designated and appropriately licensed or certified psychologist or psychological associate responsible for the integrity and quality of the supervised training experience.
- (D) A student enrolled in a supervised training experience shall be designated as any of the following: an "intern," "extern," or "practicum student," or shall hold a title which indicates training status for the practice of psychology and provision of health services.
- (E) The supervised training experience shall be a minimum of 12 weeks consisting of at least 500 hours of supervised training. At least 400 hours of the training shall be in the provision of health services as defined by G.S. 90-270.2(4) and Rule .2701(a) of this Section.
- (F) The supervised training experience shall be completed within a period of 12 consecutive months at not more than two training sites.
- (G) Except as provided in Part (b)(7)(H) of this Rule, regularly scheduled individual face-to-face supervision with the specific intent of overseeing the provision of health services shall be provided by a North Carolina licensed or certified psychologist or psychological associate or by a psychologist who is exempt from licensure, pursuant to G.S. 90-270.4(b), at a rate of not less than one hour per week during at least 12 separate weeks of the supervised training experience. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards and shall be accessible to the student.
- (H) If completing a supervised training experience outside of North Carolina, the student shall be provided regularly scheduled individual face-to-face supervision with the specific intent of overseeing the provision of health services by a licensed or certified psychologist or psychological associate or by an individual holding a master's,

specialist, or doctoral degree in psychology, at a rate of not less than one hour per week during at least 12 separate weeks of the supervised training experience. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards and shall be accessible to the student. Proof of the supervisor's license or degree program, as applicable, may be required by the Board to establish the supervisor's training in psychology.

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

*History Note: Authority G.S. 90-270.9; 90-270.13(c); 90-270.20(c); Temporary Adoption Eff. December 19, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; RRC Objection due to lack of statutory authority Eff. May 18, 1995; Eff. June 21, 1995; Amended Eff. March 1, 2008; August 1, 2000; August 1, 1996; January 1, 1996.*

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## **CHAPTER 61 – RESPIRATORY CARE BOARD**

### **21 NCAC 61 .0204 FEES**

(a) Fees are as follows:

- (1) For an initial application, a fee of fifty dollars (\$50.00);
- (2) For issuance of an active license, a fee of one hundred twenty-five dollars (\$125.00);
- (3) For the renewal of an active license, a fee of sixty five dollars (\$65.00);
- (4) For the late renewal of any license, an additional late fee of seventy- five dollars (\$75.00);
- (5) For a license with a provisional or temporary endorsement, a fee of fifty dollars (\$50.00);
- (6) For official verification of license status, a fee of twenty dollars (\$20.00);

(b) Fees shall be nonrefundable and shall be paid in the form of a cashier's check, certified check or money order made payable to the North Carolina Respiratory Care Board. However, personal checks shall be accepted for payment of renewal fees.

*History Note: Authority G.S. 90-652(2);(9); 90-660; Temporary Adoption Eff. October 15, 2001;*

*Eff. August 1, 2002;*

*Amended Eff. March 1, 2008; March 1, 2004.*

**21 NCAC 61 .0305            INACTIVE STATUS**

(a) A licensee who wishes to retain a license but who will not be practicing respiratory care may obtain inactive status by indicating this intention on the annual renewal and payment of a fee of twenty dollars (\$20.00). An individual licensed on inactive status may not practice respiratory care during the period in which he or she remains on inactive status.

(b) An individual licensed on inactive status may convert his or her license to active status by submission of a renewal application and payment of the renewal fee and late fee. The

renewal application must contain evidence of the completion of a minimum of 12 hours of continuing education that meets the requirements of 21 NCAC 61 .0401 for each full year of inactivity.

(c) In no case may an individual remain on inactive status for more than 60 months.

*History Note: Authority G.S. 90-652(1),(2),(4);*

*Temporary Adoption Eff. October 15, 2001;*

*Eff. August 1, 2002;*

*Amended Eff. March 1, 2008; June 1, 2005.*



*This Section contains information for the meeting of the Rules Review Commission on Thursday March 20 & April 17, 2008, 10:00 a.m. at 1307 Glenwood Avenue, 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. 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**

Jim R. Funderburke - 1st Vice Chair  
David Twiddy - 2nd Vice Chair  
Keith O. Gregory  
Jerry R. Crisp  
Jeffrey P. Gray

#### **Appointed by House**

Jennie J. Hayman - Chairman  
John B. Lewis  
Mary Beach Shuping  
Clarence E. Horton, Jr.  
Daniel F. McLawhorn

### **RULES REVIEW COMMISSION MEETING DATES**

April 17, 2008      May 15, 2008  
June 19, 2008      July 17, 2008

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### **RULES REVIEW COMMISSION SPECIAL MEETING March 6, 2008 MINUTES**

The Rules Review Commission held a special meeting on Thursday, March 6, 2008, in the Conference Room of the Rules Review Commission, Suite 159, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners present were: Jennie Hayman, Jeff Gray, John Lewis, Mary Shuping and Dan McLawhorn. Commissioners present by conference call were: David Twiddy, Jerry Crisp and Keith Gregory.

Staff members present were: Joseph DeLuca and Bobby Bryan, Commission Counsel, and Angela J. Person, Administrative Assistant.

The following people were among those attending the meeting:

Ann Wall	Department of Secretary of State
Camille Winston	Office of Administrative Hearings
David McLeod	Department of Agriculture and Consumer Services
Joan Troy	Wildlife Resources Commission
Sandra Johnson	Department of State Treasurer
Kris Horton	Division of Medical Assistance
Molly Masich	Office of Administrative Hearings
Bill Weatherspoon	American Petroleum Institute

### **APPROVAL OF MINUTES**

The meeting was called to order at 4:00 p.m. with Ms. Hayman presiding.

### **TEMPORARY RULE**

02 NCAC 42 .0201: Gasoline and Oil Inspection Board – Chairman Hayman presided over the review of the temporary rule. The rule was approved unanimously.

### **COMMISSION PROCEDURES**

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## ***RULES REVIEW COMMISSION***

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The Rules Review Commission reviewed and made changes to the proposed RRC rules. The Commission voted to publish the proposed rules in the March 17, 2008 issue of the North Carolina Register, hold a public hearing on April 17, 2008, and accept comments on the rules for 60 days. The comment period ends May 16, 2008. The proposed effective date is July 1, 2008.

The meeting adjourned at 4:50 p.m.

Respectfully Submitted,  
Angela J. Person  
Administrative Assistant

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### **RULES REVIEW COMMISSION March 20, 2008 MINUTES**

The Rules Review Commission met on Thursday, March 20, 2008, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners present were: Jerry Crisp, Jim Funderburk, Jeff Gray, Jennie Hayman, Clarence Horton, John Lewis, Dan McLawhorn, Mary Shuping and David Twiddy.

Staff members present were: Joseph DeLuca and Bobby Bryan, Commission Counsel, and Angela J. Person, Administrative Assistant.

The following people were among those attending the meeting:

Amy Pickle	Southern Environmental Law Center
Nancy Pate	Department of Environment and Natural Resources
Frank Folger	Helms Mulliss Wicker
Jeff Hudson	General Assembly Staff
Jim Hayes	DENR/Environmental Health
Francis Crawley	Department of Justice
Craig Bromby	Hunton & Williams Representing Business Alliance for a Sound Economy
Tom Reeder	DENR/Division of Water Quality
Bradley Bennett	DENR/Division of Water Quality
Felicia Williams	Office of Administrative Hearings
Molly Masich	Office of Administrative Hearings
Julie Edwards	Office of Administrative Hearings
Dana Vojtko	Office of Administrative Hearings
Karen Moriarty	Carillon Assisted Living
Joanne Rutkofske	DENR/Well Contractor Certification Commission
Jerry Cooper	Assisted Living Association
Lou Wilson	Association of Long Term Care Facilities
Evelyn Hawthorne	Assisted Living Association
Lonnies Christopher	Office of the Commissioner of Banks
Daniel Garner	Office of the Commissioner of Banks
Mike Lopazanski	DENR/Division of Coastal Management
Nadine Pfeiffer	DHHS/Division of Health Service Regulation
Lisa Martin	Home Builders Association
Clark Wright	Davis Hartman Wright, PLLC
Jean Stanley	Board of Nursing
David Kalbacker	Board of Nursing
Kristi Nixon	Department of Environment and Natural Resources
Larry Michael	Department of Environment and Natural Resources
Chris Hoke	DHHS
Jeff Horton	DHHS
Barbara Ryan	DHHS/Division of Public Health
Mary Bethel	AARP North Carolina
Doug Barrick	Department of Health and Human Services
Gene Cross	Department of Agriculture and Consumer Services

Lennie Collins	Department of Revenue
Erin Kimrey	North Carolina Conservation Network
Lisa Piercy	Association of Mortgage Professionals
Tami Fitzgerald	North Carolina Family Policy Council
Tom Ray	Department of Agriculture and Consumer Services
Ray Stanly	Department of Agriculture and Consumer Services
Christina Lucas	Department of Agriculture and Consumer Services
Joe Holliday	Department of Health and Human Services
John Barkley	Department of Justice for the Commission for Public Health

## **APPROVAL OF MINUTES**

The meeting was called to order at 10:11 a.m. with Ms. Hayman presiding. She reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e). Chairman Hayman asked for any discussion, comments, or corrections concerning the minutes of the regular February 21, 2008 meeting and the March 6, 2008 special meeting. There were none and the minutes were approved as distributed.

## **FOLLOW-UP MATTERS**

01 NCAC 44A .0301 – Department of Administration. No rewritten rule has been submitted and no action was taken.

15A NCAC 02H .1005 – Environmental Management Commission. The Commission approved the rewritten rule submitted by the agency. Speaking in opposition to the rule were Craig Bromby, Hunton & Williams representing Business Alliance for a Sound Economy; Clark Wright, Jr., Davis Hartman, Wright, PLLC; representing Carteret County and the Carteret County Economic Development Commission; Lisa Martin, the N. C. Home Builders Association. Speaking in support of the Rule were Tom Reeder, Division of Water Quality and Amy Pickle, Southern Environmental Law Center. Commissioners McLawhorn moved to approve the rule. Commissioners voting to approve the rule were Jim Funderburk, Clarence Horton, Dan McLawhorn and Mary Shuping. Commissioners voting against the motion were Jerry Crisp, Jeff Gray, John Lewis and David Twiddy. The Chairman, Jennie Hayman, voted to approve the rule and broke the tie.

There were more than 10 letters of objection to the rule filed with the Commission and the rule will be subject to legislative review in the 2008 regular session of the legislature.

15A NCAC 06E .0107 – Soil & Water Conservation Commission. No rewritten rule has been submitted and no action was taken.

15A NCAC 06I .0107 – Soil & Water Conservation Commission. No rewritten rule has been submitted and no action was taken.

21 NCAC 61 .0201 – Respiratory Care Board. The Commission approved the rewritten rule submitted by the agency

25 NCAC 01L .0102 – State Personnel Commission. No rewritten rule has been submitted and no action was taken.

## **LOG OF FILINGS**

Chairman Hayman presided over the review of the log of permanent rules.

Prior to the review of the rules from the Banking Commission, Commissioner Twiddy recused himself and did not participate in any discussion or vote concerning these rules because he is employed by a bank.

Prior to the review of the rules from the Medical Care Commission, Commissioner Lewis recused himself and did not participate in any discussion or vote concerning these rules because he is a member of the Medical Board.

Commissioner Lewis was not present for review of the rules from the Medical Board.

Prior to the review of the rules from the Medical Board, Commissioner Shuping recused herself and did not participate in any discussion or vote concerning 21 NCAC 32M .0107 because the rule concerns nurse anesthetists and she co-counsel to the North Carolina Board of Nursing.

Prior to the review of the rules from the Board of Nursing, Commissioner Shuping recused herself and did not participate in any discussion or vote concerning these rules because she is co-counsel to the rulemaking agency, the North Carolina Board of Nursing.

All rules were approved unanimously with the following exceptions:

02 NCAC 52B .0701, .0702, .0703, .0704, .0705, .0706 and .0707: Board of Agriculture – These rules were withdrawn by the agency.

02 NCAC 52J .0203, .0210, .0302, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0501, .0502, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0803: Board of Agriculture – These rules were withdrawn by the agency.

04 NCAC 03M .0401: Office of the Commissioner of Banks - The Commission objected to this Rule based on lack of statutory authority and ambiguity. In (a), it is not clear when the Commission will waive the requirement for an annual report. G.S. 150B-19(6) prohibits agencies from adopting waiver provisions without setting out the specific guidelines to be used in determining whether to grant them. It is also not clear when the report will be required to be supplemented and what information will be required.

The Commission has received requests from more than 10 persons clearly requesting legislative review for rules 04 NCAC 03M .0101, .0205, .0301 and .0401, and the effective date of the rules is therefore delayed pending legislative review.

10A NCAC 13B .3302: Medical Care Commission - The Commission objected to this Rule based on ambiguity. The Commission determined that in (q), it is unclear what constitutes “needless” and from whose point of view. This would be especially true in a teaching hospital where every second or third person is asking or checking the same items over again. This objection applies to existing language in the rule.

10A NCAC 13F .1604: Medical Care Commission - The Commission objected to this Rule based on ambiguity. In (d), it is not clear how many stars a facility gets the first time its score is 100 points or greater. Speaking in opposition to the 13F rules were Evelyn Hawthorne, Assisted Living Association, Jerry Cooper, Assisted Living Association, and Karen Moriarty, Assisted Living Association. Speaking in support of the rules were Jeff Horton, Division of Health Service Regulation and Mary Bethel, AARP Carolinas. Commissioner Gray voted against the motion to approve all the 13F rules except this one and to object to this one.

The Commission received requests from more than 10 persons clearly requesting legislative review for all the 10A NCAC 13F rules, and the effective date of the rules is therefore delayed pending legislative review.

10A NCAC 13G .1604: Medical Care Commission - The Commission objected to this Rule based on ambiguity. In (d), it is not clear how many stars a facility gets the first time its score is 100 points or greater. Speaking in opposition to the 13G rules were Evelyn Hawthorne, Assisted Living Association, Jerry Cooper, Assisted Living Association, Karen Moriarty, Assisted Living Association. Speaking in support of the rules were Jeff Horton, Division of Health Service Regulation and Mary Bethel, AARP Carolinas. Commissioner Jeff Gray voted against the motion to approve all the 13G rules except this one and to object to this one.

The Commission received requests from more than 10 persons clearly requesting legislative review for all the 10A NCAC 13G rules, and the effective date of the rules is therefore delayed pending legislative review.

The meeting recessed for a short break at 11:51 a.m. and reconvened at 12:04 p.m.

10A NCAC 43A .0808: Commission for Public Health – The commission approved the rule. Commissioner John Lewis voted against the motion to approve the Rule. Tami Fitzgerald, NC Family Policy Council spoke in opposition to the Rule.

The Commission received five letters requesting that the rule be subject to legislative review and delay the effective date of the rule. Since the Commission did not receive the required 10 letters prior to the statutory deadline, the rule will become effective April 1, 2008.

15A NCAC 18A .3802: Commission for Public Health - The Commission objected to this rule based on ambiguity and lack of authority. There is no authority for the provision in (c) to set training guidelines outside rulemaking. If they are set elsewhere it is unclear what those requirements are. It is also unclear whether the agency intends to require training in, or simply require the use of, aseptic sampling techniques as originally established in (b) lines 11 and 12 and now set in (c). Jim Hayes, DENR/Environmental Health spoke in support of the Rule.

21 NCAC 36 .0221 and .0233: Board of Nursing – The amendments to Rule .0221 added paragraphs (f) through (h). The Commission staff had requested that the agency consider moving the amendments to a separate rule. The agency did so and that rule will be codified as 36 .0233.

**COMMISSION PROCEDURES AND OTHER BUSINESS**

The proposed revisions to the RRC's rules were published in the March 17 Register. A public hearing is scheduled for next month's meeting.

The Commission suggested moving forward with the technical change examples.

Commissioner Shuping announced her resignation from the Commission effective March 31, 2008.

The meeting adjourned at 1:08 p.m.

The next scheduled meeting of the Commission is Thursday, April 17, 2008 at 10:00 a.m.

Respectfully Submitted,  
Angela J. Person  
Administrative Assistant

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**LIST OF APPROVED PERMANENT RULES**  
**March 20, 2008 Meeting****AGRICULTURE, BOARD OF**

Issuance of Certificates and Limited Permits	02	NCAC 48A .1706
Importation Requirements: Goats	02	NCAC 52B .0208
Importation Requirements: Sheep	02	NCAC 52B .0209

**BANKS, OFFICE OF THE COMMISSIONER**

Definitions	04	NCAC 03M .0101
Experience	04	NCAC 03M .0204
Financial Responsibility	04	NCAC 03M .0205
Surety Bond	04	NCAC 03M .0206
Approval of Providers and Programs	04	NCAC 03M .0301
Amendments to Information on File With the Commissioner	04	NCAC 03M .0402
Termination of Operations	04	NCAC 03M .0403
Records to be Maintained	04	NCAC 03M .0501

**MEDICAL CARE COMMISSION**

Scope	10A	NCAC 13F .1601
Issuance of Rated Certificates	10A	NCAC 13F .1602
Statutory and Rule Requirements Affecting Rated Certificates	10A	NCAC 13F .1603
Contents of Rated Certificate	10A	NCAC 13F .1605
Scope	10A	NCAC 13G .1601
Issuance of Rated Certificate	10A	NCAC 13G .1602
Statutory and Rule Requirements Affecting Rated Certificates	10A	NCAC 13G .1603
Contents of Rated Certificate	10A	NCAC 13G .1605

**PUBLIC HEALTH, COMMISSION FOR**

Reportable Diseases and Conditions	10A	NCAC 41A .0101
Control Measures - Sexually Transmitted Diseases	10A	NCAC 41A .0204

Criteria for Project Selection 10A NCAC 43A .0808

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

Basic Training - Wildlife Enforcement Officers	12	NCAC 09B	.0228
Certification of Criminal Justice Schools	12	NCAC 09C	.0401
Required Annual In-Service Training Topics	12	NCAC 09E	.0102
Instructors Annual In Service Training	12	NCAC 09E	.0104
Minimum Training Specifications: Annual In-Service Training	12	NCAC 09E	.0105
Corrections Specialized Instructor Training - Firearms	12	NCAC 09G	.0415

**ENVIRONMENTAL MANAGEMENT COMMISSION**

Stormwater Requirements: Coastal Counties	15A	NCAC 02H	.1005
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**COASTAL RESOURCES COMMISSION**

Presentation to Coastal Resources Commission for Certific...	15A	NCAC 07B	.0802
Coastal Shorelines	15A	NCAC 07H	.0209
General Identification and Description of Landforms	15A	NCAC 07H	.0305
Specific Use Standards for Ocean Hazard Areas	15A	NCAC 07H	.0308
Technical Standards for Beach Fill Projects	15A	NCAC 07H	.0312

**PUBLIC HEALTH, COMMISSION FOR**

Inspections and Reinspections	15A	NCAC 18A	.2604
Grading	15A	NCAC 18A	.2606
Grading	15A	NCAC 18A	.3606
Definitions	15A	NCAC 18A	.3801
Sample Analysis	15A	NCAC 18A	.3803
Reporting	15A	NCAC 18A	.3804
Data Review	15A	NCAC 18A	.3805

**WELL CONTRACTORS CERTIFICATION COMMISSION**

Types of Certification	15A	NCAC 27	.0110
Schedule of Certification Fees	15A	NCAC 27	.0201
Application for Certification	15A	NCAC 27	.0301
Submittal and Processing of Applications for Examinations	15A	NCAC 27	.0401
Well Contractor Examinations	15A	NCAC 27	.0410
Certification by Legislative Exemption	15A	NCAC 27	.0501
Requirements of Certification	15A	NCAC 27	.0702
Level D Certification Without Examination	15A	NCAC 27	.0703
Certification Without Examination in 2008	15A	NCAC 27	.0704
Recordkeeping	15A	NCAC 27	.0830
Revocation, Relinquishment or Expiration of Certification	15A	NCAC 27	.0901

**REVENUE, DEPARTMENT OF**

Out-of-State Sales: Nonresident Registration	17	NCAC 04C	.0504
Bond Required of Wholesaler and Importer	17	NCAC 04E	.0601

Remedy	17	NCAC 05D .0114
 <b>MEDICAL BOARD</b>		
Certified Photograph and Certification of Graduation	21	NCAC 32B .0204
Application Forms	21	NCAC 32B .0206
Letters of Recommendation	21	NCAC 32B .0207
Fee	21	NCAC 32B .0209
Required Application Materials	21	NCAC 32B .0210
Passing Score	21	NCAC 32B .0211
Examination Times	21	NCAC 32B .0212
Graduate Medical Education and Training for Licensure	21	NCAC 32B .0213
Personal Interview	21	NCAC 32B .0214
Continuing Education	21	NCAC 32M .0107
Definitions	21	NCAC 32W .0101
Qualifications for License	21	NCAC 32W .0102
Inactive License Status	21	NCAC 32W .0103
Annual Renewal	21	NCAC 32W .0104
Continuing Medical Education	21	NCAC 32W .0105
Student Anesthesiologist Assistants	21	NCAC 32W .0106
Exemption from License	21	NCAC 32W .0107
Scope of Practice	21	NCAC 32W .0108
Supervision of Anesthesiologist Assistants	21	NCAC 32W .0109
Limitations on Practice	21	NCAC 32W .0110
Title and Practice Protection	21	NCAC 32W .0111
Identification Requirements	21	NCAC 32W .0112
Fees	21	NCAC 32W .0113
Violations	21	NCAC 32W .0114
Practice During a Disaster	21	NCAC 32W .0115
 <b>NURSING, BOARD OF</b>		
License Required	21	NCAC 36 .0221
Clinical Nurse Specialist Practice	21	NCAC 36 .0228
Out of State Students	21	NCAC 25 .0233
Administration	21	NCAC 36 .0317
Medication Aide Training Requirements	21	NCAC 36 .0406
Continuing Education (CE)	21	NCAC 36 .0807
 <b>RESPIRATORY CARE BOARD</b>		
Application Process	21	NCAC 61 .0201

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**LIST OF APPROVED TEMPORARY RULES**  
**March 6, 2008 Meeting**

**GASOLINE AND OIL INSPECTION BOARD**

<u>Standard Specifications</u>	02	NCAC 42 .0201
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**AGENDA**  
**RULES REVIEW COMMISSION**  
**Thursday, April 17, 2008, 10:00 A.M.**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Public hearing on proposed rules
- IV. Follow-Up Matters:
  - A. Department of Administration – 01 NCAC 44A .0301 (Bryan)
  - B. Office of the Commissioner of Banks – 04 NCAC 03M .0401 (Bryan)
  - C. Medical Care Commission – 10A NCAC 13B .3302 (Bryan)
  - D. Medical Care Commission – 10A NCAC 13F .1604 (Bryan)
  - E. Medical Care Commission – 10A NCAC 13G .1604 (Bryan)
  - F. Soil & Water Conservation Commission – 15A NCAC 06E .0107 (DeLuca)
  - G. Soil & Water Conservation Commission – 15A NCAC 06I .0107 (DeLuca)
  - H. Commission for Public Health – 15A NCAC 18A .3802 (DeLuca)
  - I. State Personnel Commission – 25 NCAC 01L .0102 (DeLuca)
- V. Review of Log of Permanent Rule filings for rules filed between February 21, 2008 and March 20, 2008(attached)
- VI. Review of Temporary Rules
- VII. Commission Business
  - Next meeting: May 15, 2008

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**Commission Review**  
***Log of Permanent Rule Filings***  
***February 21, 2008 through March 20, 2008***

**HHS - DEAF AND HARD OF HEARING, DIVISION OF SERVICES FOR THE**

The rules in Subchapter 17D concern interpreter directory and development including interpreter services (.0100); and communications services programs (.0200).

<u>Application Information and Procedures</u>	10A NCAC 17D .0205
Amend/*	
<u>Eligibility</u>	10A NCAC 17D .0206
Amend/*	
<u>Financial Eligibility</u>	10A NCAC 17D .0210
Amend/*	
<u>Rights/Consumer Appeals</u>	10A NCAC 17D .0220
Amend/*	

**HHS - MENTAL HEALTH**

The rules in Subchapter 26C concern other general mental health rules including designation of facilities for the custody and treatment of involuntary clients (.0100); research (.0200); death reporting (.0300); miscellaneous (.0400); summary suspension and revocation (.0500); and removal of local management entity functions (.0600).



Standardized Forms and Processes  
Adopt/\*

10A NCAC 26C .0402

## **MENTAL HEALTH, COMMISSION FOR**

The rules in Subchapter 26C concern other general mental health rules including designation of facilities for the custody and treatment of involuntary clients (.0100); research (.0200); death reporting (.0300); miscellaneous (.0400); summary suspension and revocation (.0500); and removal of local management entity functions (.0600).

Scope

10A NCAC 26C .0601

Adopt/\*

Definitions

10A NCAC 26C .0602

Adopt/\*

Notice of Deficient Performance

10A NCAC 26C .0603

Adopt/\*

Plan of Correction Requirements

10A NCAC 26C .0604

Adopt/\*

Focused Technical Assistance

10A NCAC 26C .0605

Adopt/\*

Removal of LME Function

10A NCAC 26C .0606

Adopt/\*

## **HHS - MENTAL HEALTH**

The rules in Chapter 27 concern mental health community facilities and services.

The rules in Subchapter 27A are fiscal rules including accounting standards for all recipients of funds administered by the division (.0100); state and federal funds administered (.0200); and clean claims (.0300).

Scope

10A NCAC 27A .0301

Adopt/\*

Definitions

10A NCAC 27A .0302

Adopt/\*

Clean Claim Format Requirements

10A NCAC 27A .0303

Adopt/\*

Claims Review Procedures

10A NCAC 27A .0304

Adopt/\*

## **MENTAL HEALTH, COMMISSION FOR**

The rules in Subchapter 27G are from either the department or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services including general information (.0100); operation and management rules (.0200); physical plant rules (.0300); licensing procedures (.0400); area program requirements (.0500); area authority or county program monitoring of facilities and services (.0600); accreditation of area programs and services (.0700); waivers and appeals (.0800); general rules for infants and toddlers (.0900); partial hospitalization for individuals who are mentally ill (.1100); psychological rehabilitation facilities for individuals with severe and persistent mental illness (.1200); residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1300); day treatment for children and adolescents with emotional or behavioral disturbances (.1400); intensive residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1500); residential treatment staff secure facilities for children or adolescents (.1700); psychiatric residential treatment facilities for children and adolescents (.1900); specialized community residential centers for individuals with developmental disabilities (.2100); before/after school and summer developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2200); adult developmental and vocational programs for individuals with developmental disabilities (.2300); developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2400); early childhood intervention services (ECIS) for children with an at risk for

developmental delays or disabilities, or atypical development and their families (.2500); nonhospital medical detoxification for individuals who are substance abusers (.3100); social setting detoxification for substance abuse (.3200); outpatient detoxification for substance abuse (.3300); residential treatment/rehabilitation for individuals with substance abuse disorders (.3400); outpatient facilities for individuals with substance abuse disorders (.3500); outpatient opioid treatment (.3600); day treatment facilities for individuals with substance abuse disorders (.3700); substance abuse services for DWI offenders (.3800); drug education schools (DES) (.3900); treatment alternatives to street crimes (TASC) (.4000); substance abuse primary prevention services (.4200); therapeutic community (.4300); facility based crises services for individual of all disability groups (.5000); community respite services for individuals of all disability groups (.5100); residential therapeutic (habilitative) camps for children and adolescents of all disability groups (.5200); day activity for individuals of all disability groups (.5400); sheltered workshops for individuals of all disability groups (.5500); supervised living for individuals of all disability groups (.5600); assertive community treatment service (.5700); supportive employment for individuals of all disability groups (.5800); case management for individuals of all disability groups (.5900); inpatient hospital treatment for individuals who have mental illness or substance abuse disorders (.6000); emergency services for individuals of all disability groups (.6100); outpatient services for individuals of all disability groups (.6200); companion respite services for individuals of all disability groups (.6300); personal assistants for individuals of all disabilities groups (.6400); employment assistance programs (.6500); specialized foster care services (.6600); forensic screening and evaluation services for individuals of all disability groups (.6700); prevention services (.6800); and consultation and education services (.6900).

Disclosure of Financial Interest of Providers of MH/DD/SA...  
Adopt/\*

10A NCAC 27G .0212

## **HHS - MENTAL HEALTH**

The rules in Subchapter 27G are from either the department or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services including general information (.0100); operation and management rules (.0200); physical plant rules (.0300); licensing procedures (.0400); area program requirements (.0500); area authority or county program monitoring of facilities and services (.0600); accreditation of area programs and services (.0700); waivers and appeals (.0800); general rules for infants and toddlers (.0900); partial hospitalization for individuals who are mentally ill (.1100); psychological rehabilitation facilities for individuals with severe and persistent mental illness (.1200); residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1300); day treatment for children and adolescents with emotional or behavioral disturbances (.1400); intensive residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1500); residential treatment staff secure facilities for children or adolescents (.1700); psychiatric residential treatment facilities for children and adolescents (.1900); specialized community residential centers for individuals with developmental disabilities (.2100); before/after school and summer developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2200); adult developmental and vocational programs for individuals with developmental disabilities (.2300); developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2400); early childhood intervention services (ECIS) for children with an at risk for developmental delays or disabilities, or atypical development and their families (.2500); nonhospital medical detoxification for individuals who are substance abusers (.3100); social setting detoxification for substance abuse (.3200); outpatient detoxification for substance abuse (.3300); residential treatment/rehabilitation for individuals with substance abuse disorders (.3400); outpatient facilities for individuals with substance abuse disorders (.3500); outpatient opioid treatment (.3600); day treatment facilities for individuals with substance abuse disorders (.3700); substance abuse services for DWI offenders (.3800); drug education schools (DES) (.3900); treatment alternatives to street crimes (TASC) (.4000); substance abuse primary prevention services (.4200); therapeutic community (.4300); facility based crises services for individual of all disability groups (.5000); community respite services for individuals of all disability groups (.5100); residential therapeutic (habilitative) camps for children and adolescents of all disability groups (.5200); day activity for individuals of all disability groups (.5400); sheltered workshops for individuals of all disability groups (.5500); supervised living for individuals of all disability groups (.5600); assertive community treatment service (.5700); supportive employment for individuals of all disability groups (.5800); case management for individuals of all disability groups (.5900); inpatient hospital treatment for individuals who have mental illness or substance abuse disorders (.6000); emergency services for individuals of all disability groups (.6100); outpatient services for individuals of all disability groups (.6200); companion respite services for individuals of all disability groups (.6300); personal assistants for individuals of all disabilities groups (.6400); employment assistance programs (.6500); specialized foster care services (.6600); forensic screening and evaluation services for individuals of all disability groups (.6700); prevention services (.6800); and consultation and education services (.6900).

Area Board Annual Evaluation of an Area Director  
Adopt/\*

10A NCAC 27G .0507

The rules in Subchapter 29D are miscellaneous rules including Carolina alternatives (.0100); single portal of entry and exit designation (.0200); designation of area mental health: mental retardation and substance abuse authorities and catchment areas (.0300); therapeutic homes for children and adolescents (.0400); Butner ordinances (.0500); substance abuse assessments for individuals charged with or convicted of driving while impaired(dwi) (.0600); procedures for amending rules (.0700); and community relations (.0800).

<u>Carolina Alternatives</u>	10A	NCAC	29D	.0101
Repeal/*				
<u>Scope</u>	10A	NCAC	29D	.0401
Repeal/*				
<u>Staff</u>	10A	NCAC	29D	.0402
Repeal/*				
<u>Operations</u>	10A	NCAC	29D	.0403
Repeal/*				
<u>Purpose and Scope</u>	10A	NCAC	29D	.0601
Repeal/*				
<u>Definitions</u>	10A	NCAC	29D	.0602
Repeal/*				
<u>Written Notice of Intent</u>	10A	NCAC	29D	.0603
Repeal/*				
<u>DWI Substance Abuse Assessment Elements</u>	10A	NCAC	29D	.0604
Repeal/*				
<u>Qualifications of Individuals Performing Assessments</u>	10A	NCAC	29D	.0605
Repeal/*				
<u>Responsibilities of Assessing Agency</u>	10A	NCAC	29D	.0606
Repeal/*				
<u>Responsibilities of Treatment or ADETS Providers</u>	10A	NCAC	29D	.0607
Repeal/*				
<u>Reporting Requirements</u>	10A	NCAC	29D	.0608
Repeal/*				
<u>Pre-Trial Assessments</u>	10A	NCAC	29D	.0609
Repeal/*				
<u>Placement Criteria For Assessed DWI Clients</u>	10A	NCAC	29D	.0610
Repeal/*				
<u>Documentation Requirements</u>	10A	NCAC	29D	.0611
Repeal/*				

## **SOCIAL SERVICES COMMISSION**

The rules in Chapter 67 concern social services procedures.

The rules in Subchapter 67A concern general administration including administration (.0100); and hearing policy (.0200).

<u>Forms</u>	10A	NCAC	67A	.0107
Amend/*				

## **INSURANCE, DEPARTMENT OF**

The rules in Chapter 1 are departmental rules including those covering general matters (.0100); departmental rules (.0200); declaratory rulings (.0300); administrative hearings (.0400); and departmental policies (.0600).

<u>Prehearing Conference</u>	11	NCAC	01	.0419
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Amend/\*

Evidence

11 NCAC 01 .0429

Amend/\*

The rules in Chapter 8 are the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

Building Code Publications: General Information

11 NCAC 08 .0203

Amend/\*

The rules in Chapter 20 concern managed care health benefit plans including managed care definitions (.0100); contracts between network plan carriers and health care providers (.0200); provider accessibility and availability (.0300); network provider credentials (.0400); HMO quality management programs (.0500); and significant modifications to HMO operations (.0600).

Application

11 NCAC 20 .0404

Amend/\*

## **ALARM SYSTEMS LICENSING BOARD**

The rules in Chapter 11 are from the N.C Alarm Systems Licensing Board and cover the organization and general provisions (.0100); license applications and requirements (.0200); registration of employees of licensees (.0300); the recovery fund (.0400); and continuing education for licensees (.0500).

Electrical Contracting License Requirements

12 NCAC 11 .0210

Amend/\*

## **LABOR, DEPARTMENT OF**

The rules in Chapter 7 are from the Commissioner of Labor and cover the Occupational and Safety Health Act (OSHA). The rules in Subchapter 7F cover specific OSHA standards for various industries: general (.0100); construction (.0200); agriculture (.0300); shops fabricating structural steel and steel plate (.0400); maritime (.0500); communication towers (.0600); and blasting and use of explosives (.0700).

Personal Protective Equipment

13 NCAC 07F .0104

Repeal/\*

## **ENVIRONMENTAL MANAGEMENT COMMISSION**

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); transportation conformity (.1500); general conformity for federal actions (.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); and mercury rules for electric generators (.2500).

Prevention of Significant Deterioration

15A NCAC 02D .0530

Amend/\*

Sources In Nonattainment Areas

15A NCAC 02D .0531

Amend/\*

<u>Purpose and Applicability</u>	15A	NCAC	02D	.2401
Amend/*				
<u>Definitions</u>	15A	NCAC	02D	.2402
Amend/*				
<u>Nitrogen Oxide Emissions</u>	15A	NCAC	02D	.2403
Amend/*				
<u>Sulfur Dioxide</u>	15A	NCAC	02D	.2404
Amend/*				
<u>Nitrogen Oxide Emissions During Ozone</u>	15A	NCAC	02D	.2405
Amend/*				
<u>Monitoring, Reporting, and Recordkeeping</u>	15A	NCAC	02D	.2407
Amend/*				
<u>Designated Representative</u>	15A	NCAC	02D	.2409
Amend/*				
<u>New Unit Growth</u>	15A	NCAC	02D	.2412
Amend/*				

## **WILDLIFE RESOURCES COMMISSION**

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Wildlife Taken for Depredations or Accidentally</u>	15A	NCAC	10B	.0106
Amend/*				
<u>Wildlife Collectors</u>	15A	NCAC	10B	.0119
Amend/*				
<u>Bear</u>	15A	NCAC	10B	.0202
Amend/*				
<u>Deer (White Tailed)</u>	15A	NCAC	10B	.0203
Amend/*				
<u>Raccoon and Opossum</u>	15A	NCAC	10B	.0205
Amend/*				
<u>Squirrels</u>	15A	NCAC	10B	.0206
Amend/*				
<u>Rabbits</u>	15A	NCAC	10B	.0207
Amend/*				
<u>Falconry</u>	15A	NCAC	10B	.0216
Amend/*				
<u>Open Seasons</u>	15A	NCAC	10B	.0302
Amend/*				
<u>Bag Limits</u>	15A	NCAC	10B	.0303
Amend/*				
<u>Trappers and Hunters</u>	15A	NCAC	10B	.0404
Amend/*				

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Special Regulations: Joint Waters</u>	15A	NCAC	10C	.0107
Amend/*				

<u>Public Mountain Trout Waters</u>	15A	NCAC	10C	.0205
Amend/*				
<u>Trotlines and Set-Hooks</u>	15A	NCAC	10C	.0206
Amend/*				
<u>Open Seasons: Creel and Size Limits</u>	15A	NCAC	10C	.0305
Amend/*				
<u>Manner of Taking Non-game Fishes: Purchase and Sale</u>	15A	NCAC	10C	.0401
Amend/*				
<u>Taking Non-game Fishes for Bait or Personal Consumption</u>	15A	NCAC	10C	.0402
Amend/*				
<u>Special Device Fishing</u>	15A	NCAC	10C	.0404
Amend/*				
<u>Descriptive Boundaries</u>	15A	NCAC	10C	.0503
Amend/*				
<u>Scope and Purpose</u>	15A	NCAC	10C	.0601
Adopt/*				
<u>Anadromous Fish Spawning</u>	15A	NCAC	10C	.0602
Adopt/*				
<u>Descriptive Boundaries</u>	15A	NCAC	10C	.0603
Adopt/*				

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.  
The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Use</u>	15A	NCAC	10D	.0102
Amend/*				
<u>Hunting On Game Lands</u>	15A	NCAC	10D	.0103
Amend/*				

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), and reptiles and amphibians (.1300).

<u>License to Operate</u>	15A	NCAC	10H	.0101
Amend/*				
<u>General Requirements</u>	15A	NCAC	10H	.0301
Amend/*				
<u>Disposition of Birds or Eggs</u>	15A	NCAC	10H	.0904
Amend/*				

The rules in Subchapter 10I concern endangered and threatened species.

<u>Endangered Species</u>	15A	NCAC	10I	.0103
Amend/*				
<u>Threatened Species</u>	15A	NCAC	10I	.0104
Amend/*				
<u>Special Concern Species</u>	15A	NCAC	10I	.0105
Amend/*				

SECRETARY OF STATE, DEPARTMENT OF

The rules in Chapter 7 are from the Notary Public Division.

The rules in Subchapter 7B are rules covering traditional notary publics and include general provisions (.0100); the application process (.0200); initial appointment as a notary (.0300); renewal or reappointment as a notary (.0400); commissioning and term of office (.0500); notary public certified instructor (.0700); enforcement and disciplinary actions (.0900); and public records and requests for information (.1000).

<u>Other Violations</u>	18	NCAC 07B .0905
Amend/*		

## **BARBER EXAMINERS, BOARD OF**

The rules in Subchapter 6A are departmental rules including organizational rules (.0100); and rules about the executive secretary (.0300).

<u>Physical Address</u>	21	NCAC 06A .0102
Amend/*		

<u>Office Hours</u>	21	NCAC 06A .0103
Amend/*		

<u>Mailing Address</u>	21	NCAC 06A .0104
Amend/*		

The rules in Subchapter 6B concern rulemaking procedures including petitions for rulemaking (.0100); notice (.0200); hearings (.0300); temporary rules (.0400); and declaratory rulings (.0500).

<u>Locations of Hearings</u>	21	NCAC 06B .0301
Amend/*		

<u>Power to Issue</u>	21	NCAC 06B .0401
Repeal/*		

<u>Length of Effectiveness</u>	21	NCAC 06B .0402
Repeal/*		

<u>Request for Declaratory Ruling</u>	21	NCAC 06B .0501
Amend/*		

The rules in Subchapter 6C concern contested cases including general rules (.0100); request for a hearing (.0200); notice (.0500); who shall hear contested cases (.0600); place of hearing (.0700); intervention (.0800); and hearing officers (.0900).

<u>Request After Informal Efforts</u>	21	NCAC 06C .0203
Amend/*		

<u>Acknowledgement</u>	21	NCAC 06C .0205
Amend/*		

<u>Bias of Board Member</u>	21	NCAC 06C .0903
Amend/*		

The rules in Subchapter 6F concern barber schools.

<u>Physical Structure</u>	21	NCAC 06F .0101
Amend/*		

<u>Filing</u>	21	NCAC 06F .0103
Amend/*		

<u>Instructors</u>	21	NCAC 06F .0104
Amend/*		

<u>Roster and Student Records</u>	21	NCAC 06F .0110
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Amend/*				
<u>Copies of Barber School Records</u>	21	NCAC	06F	.0111
Amend/*				
<u>Student Permit</u>	21	NCAC	06F	.0113
Amend/*				
<u>Barber School Curricula</u>	21	NCAC	06F	.0120
Amend/*				
<u>Penal Institutions</u>	21	NCAC	06F	.0121
Adopt/*				

The rules in Subchapter 6H concern barber school owners and managers.

<u>Duties and Responsibilities</u>	21	NCAC	06H	.0101
Amend/*				

The rules in Subchapter 06I concern out-of-state transfers.

<u>Apprentice Barber</u>	21	NCAC	06I	.0105
Amend/*				

The rules in Subchapter 6J concern apprentice barbers.

<u>Registered Apprentice</u>	21	NCAC	06J	.0101
Amend/*				
<u>Identification</u>	21	NCAC	06J	.0109
Adopt/*				

The rules in Subchapter 6K concern registered barbers.

<u>Registered Barber</u>	21	NCAC	06K	.0101
Amend/*				
<u>Identification</u>	21	NCAC	06K	.0110
Adopt/*				

The rules in Subchapter 6L concern barber shops.

<u>Measurements of Barber Shop</u>	21	NCAC	06L	.0102
Amend/*				
<u>Equipment</u>	21	NCAC	06L	.0103
Amend/*				
<u>Separation From Other Businesses; Residential Shops; Mobi...</u>	21	NCAC	06L	.0106
Amend/*				
<u>Lavatory</u>	21	NCAC	06L	.0107
Amend/*				
<u>Where Barber Services May Be Performed</u>	21	NCAC	06L	.0111
Adopt/*				
<u>Rented Booth Space</u>	21	NCAC	06L	.0112
Adopt/*				
<u>Diseases</u>	21	NCAC	06L	.0113
Adopt/*				
<u>Policy Prohibiting Pets</u>	21	NCAC	06L	.0114
Adopt/*				



<u>Inspections of Shops</u> Adopt/*	21	NCAC 06L .0115
<u>Other Duties of Barber Shop Owners and Managers</u> Adopt/*	21	NCAC 06L .0116
<u>General Sanitation</u> Adopt/*	21	NCAC 06L .0117

The rules in Subchapter 6M concern barbershop inspectors.

<u>Duties and Responsibilities</u> Amend/*	21	NCAC 06M .0102
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The rules in Subchapter 6N establish fees and provide for the use of various forms.

<u>Fees</u> Amend/*	21	NCAC 06N .0101
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The rules in Subchapter 6O govern the assessing of civil penalties.

<u>Identification</u> Adopt/*	21	NCAC 06O .0112
<u>Barber Shops in Residences and Mobile Homes</u> Adopt/*	21	NCAC 06O .0113
<u>Animals in Barber Shops</u> Adopt/*	21	NCAC 06O .0114
<u>School Failing to Maintain or Falsifying Records</u> Adopt/*	21	NCAC 06O .0115

The rules in Subchapter 6P are definitions.

<u>Barbering</u> Adopt/*	21	NCAC 06P .0101
<u>Barbering Exemptions</u> Adopt/*	21	NCAC 06P .0102
<u>General Definitions</u> Adopt/*	21	NCAC 06P .0103

The rules in Subchapter 6Q concern prohibited acts.

<u>Additional Grounds for Denial or Discipline</u> Adopt/*	21	NCAC 06Q .0101
<u>Effect of Child Support Default on License or Certificate</u> Adopt/*	21	NCAC 06Q .0102
<u>Registered Sex Offender</u> Adopt/*	21	NCAC 06Q .0103

The rules in Subchapter 6R concern advertising.

<u>Display of Sign or Barber Pole</u> Adopt/*	21	NCAC 06R .0101
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**COMMUNITY COLLEGES, BOARD OF**

The rules in Chapter 2 concern Community Colleges.

The rules in Subchapter 2C deal with the organization and operation of the colleges including trustees and colleges (.0100); personnel (.0200); students (.0300); libraries and learning resource centers (.0400); equipment (.0500); college evaluation (.0600); and civil rights (.0700).

Local College Personnel Policies  
Amend/\*

23 NCAC 02C .0210

**STATE PERSONNEL COMMISSION**

The rules in Chapter 1 are from the State Personnel Commission.

The rules in Subchapter 1C concern personnel administration including employment (.0100); general employment policies (.0200); personnel records and reports (.0300); appointment (.0400); work schedule (.0500); competitive service (.0600); secondary employment (.0700); requirements for teleworking programs (.0800); employee recognition programs (.0900); and separation (.1000).

Confidential Information in Personnel Files  
Amend/\*

25 NCAC 01C .0304

The rules in Subchapter 1H concern recruitment and selection including general provisions (.0600); general provision for priority consideration (.0700); promotional priority (.0800); reduction-in-force-priority reemployment (.0900); exempt priority consideration (.1000); and veteran's preference (.1100).

Posting and Announcement of Vacancies  
Amend/\*

25 NCAC 01H .0631

The rules in Subchapter 1I concern service to local government including; local government employment policies (.1700); general provisions (.1800); recruitment and selection (.1900); appointment and separation (.2000); compensation (.2100); hours of work and overtime compensation (.2200); disciplinary action suspension dismissal and appeals (.2300); and basic requirements for a substantially equivalent personnel system (.2400).

Compensation of Area Mental Health Directors  
Adopt/\*

25 NCAC 01I .2108

**BUILDING CODE COUNCIL**

NC Electrical Code  
Adopt/\*

2008 NEC

*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 <http://www.ncoah.com/hearings>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

**Chief Administrative Law Judge**  
**JULIAN MANN, III**

**Senior Administrative Law Judge**  
**FRED G. MORRISON JR.**

**ADMINISTRATIVE LAW JUDGES**

Beecher R. Gray  
Selina Brooks  
Melissa Owens Lassiter  
Don Overby

Randall May  
A. B. Elkins II  
Joe Webster  
Shannon Joseph

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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ABC Commission v. Jamal Kamel Hajeh, T/A Pleasant Grove Grocery	07 ABC 0883	Morrison	09/11/07	
ABC Commission v. Jayshreeben Jagishchand Shah, T/A Jay's Grocery #3	07 ABC 1180	Overby	01/11/08	
ABC Commission v. Agustin Zeferino Hernandez	07 ABC 1366	Overby	11/30/07	
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**DEPARTMENT OF TRANSPORTATION**

Citizens for the Preservation of Willis Landing, Kenneth M. Seigler v. DOT	07 DOT 0175	Gray	03/27/07		
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**DEPARTMENT OF STATE TREASURER**

Donald C. McCaskill v. DST, Retirement Systems Division	05 DST 0251	Lassiter	01/04/08		
Sparkle Nicole Jones v. DST and Denise Virginia Lee and Arthur E. Seay, III	05 DST 1612	Gray	05/23/07		
Charles R. Franklin, Jr. v. DST, Retirement Systems Division	06 DST 1672	Overby	05/14/07	22:01 NCR	85
Elaine Scarlett v. DST, Retirement Systems Division	07 DST 0452	Webster	10/12/07		
Gilbert P Davis Jr. (LA0204530) v. DST	07 DST 0991	Lassiter	01/23/08		
Gary Lawrence Walker v. DST Retirement Systems Division	07 DST 1078	Overby	02/11/08		

**ETHICS, STATE BOARD OF**

Johnnie Burgess v. State Ethics Commission	07 EBD 1466	Gray	02/20/08		
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Billy Ray Brown v. Department of Public Instruction	02 EDC 1272	Webster	06/14/07		
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Jerome A. Powers v. NCPDI	06 EDC 1785	Overby	01/24/08		
April Williams Compton v. National Board Certification Committee Public Schools of NC	06 EDC 1816	Webster	05/18/07		
Don Landrum v. DPI	06 EDC 1896	Lassiter	01/10/08		
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Vonnita Hart Taylor v Department of Public Instruction	06 EDC 2203	Webster	09/20/07		
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Connie R. Austin v. Dept. of Public Instruction	06 EDC 2270	Elkins	04/02/07		
Sandra B. Rayne v. State Board of Education, DPI Div. of Human Resources Management	06 EDC 2277	Lassiter	10/31/07		
Jason Forrister v. Dept. of Public Instruction	07 EDC 0054	Gray	06/22/07	22:09 NCR	888
Merredith Page v. Board of Education	07 EDC 0056	Webster	04/19/07		
Jane H. Layton v. Department of Public Instruction	07 EDC 0182	Webster	09/18/07		
Corporation for Effective Schooling d/b/a Kestrel Heights School v. Board of Education and DPI	07 EDC 0319	Elkins	10/29/07	22:14 NCR	1340
Olga Patricia Cancino v. Public Schools of NC et al.	07 EDC 0904	Chess	10/10/07		
Kesia Coleman v. DPI	07 EDC 1142	Elkins	12/17/07		
Eric Scott Feltman by parent Edward S. Feltman v. Wilson County Board of Education	07 EDC 1304	Elkins	12/04/07		
Nathaniel J. Mewborn v. Alamance Burlington Schools	07 EDC 1413	Joseph	12/12/07		
Tamara S. Brown v. State Board of Education	07 EDC 2077	Overby	02/19/08		

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Wayne Smith, Jack in the Box, Inc. v. DENR	05 EHR 1237	Hunter	10/02/07		
Robert D. Bryant v. DENR, Division of Coastal Management and Stanley L. McCauley	05 EHR 2185	Chess	02/16/07		
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Wildcat Investments LLC, James Cook v. Cherokee County Health Depart.	06 EHR 0631	Gray	04/23/07		
Randy Dockery v. Cherokee County Health Department	06 EHR 0728	Gray	04/23/07		
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Christopher Perry v. Caldwell County Health Department	06 EHR 1010	Elkins	06/05/07		
Franklin Grading Co., Inc. v. DENR, Division Air Quality	06 EHR 1525	Lassiter	10/01/07		
Robert Don Foster v. DENR, Div. of Coastal Management	06 EHR 1833	Morrison	05/11/07	22:01 NCR	95
Andrew Price v. DENR, Div. of Coastal Management and William F. Canady	06 EHR 1834	Morrison	05/11/07	22:01 NCR	95
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Terry Collins v. DENR, Division of Waste Management	06 EHR 2414	Gray	05/01/07		
Riverwalk, LLC v. Town of Highlands	06 EHR 2420	Gray	10/01/07		
H. Johnston Sifly v. DENR, Div. of Coastal Management	07 EHR 0040	Gray	09/06/07		
Paul A. Stennett v. DENR, Public Water Supply Section	07 EHR 0170	Overby	05/04/07		
Thomas E. Carr v. DENR	07 EHR 0178	Overby	02/05/08		
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Robert Thomas Evans v. DENR	07 EHR 1120	Overby	01/02/08		
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Greg Simpkins v. DENR, Division of Water Quality	07 EHR 1397	Gray	01/14/08		
Gumby's Pizza, Chancellor Hippler v. DENR, Division Environmental Health	07 EHR 1769	Lassiter	01/29/08		
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Board of Examiners for Engineers and Surveyors v. C. Phil Wagoner, PLS No. L-2416	07 EHR 0141	Morrison	08/21/07	
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**GOVERNOR'S OFFICE**

Jerry W. Conner (NCDOC#0085045) and James A. Campbell (NCDOC# 0063592) v. Council of State	07 GOV 0238	Morrison	08/09/07	22:04 NCR 280
James Edwards Thomas and Marcus Robinson and Archie Lee Billings v. Council of State	07 GOV 0264	Morrison	08/09/07	22:04 NCR 280

**DEPARTMENT OF INSURANCE**

Toni W. Goodwin v. Teachers and State Employees Comprehensive Major Medical Plan	06 INS 1016	Overby	05/07/07	
Larry Miller v. Teachers' and State Employees' Comprehensive Major Medical Plan	06 INS 1236	Overby	04/11/07	
Randall A. Meder v. Teachers' and State Employees' Comprehensive Major Medical Plan	06 INS 1413	Overby	07/16/07	22:04 NCR 264
Barbara Smith Pearce v. State Health Plan	07 INS 0008	Overby	07/12/07	22:04 NCR 273
Phillip J. Adler and Benjamin F. Adler v. Teachers' and State Employees' Comprehensive Major Medical Plan	07 INS 0037	Overby	10/19/07	22:11 NCR 1158
Robert Francis Payne v. Teachers' and State Employees' Comprehensive Major Medical Plan	07 INS 1365	Elkins	12/11/07	

**MISCELLANEOUS**

Sylvia Oliver v. Superior Court Judges, Clerk of Court Judges	07 MIS 1603	Lassiter	10/18/07	
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**OFFICE OF ADMINISTRATIVE HEARINGS**

Senora Kemp v. OAH	07 OAH 0776	Lassiter	09/06/07	
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**OFFICE OF STATE PERSONNEL**

Monty Steven Poarch v. Crime Control and Public Safety, State Highway Patrol	03 OSP 2004	Lassiter	09/17/07	
Willie G. Shaw v. Division of Forest Resources	05 OSP 0414	Overby	04/13/07	
Shirley Barnes v. Murdoch Center	06 OSP 0230	Elkins	01/11/08	22:18 NCR 1621
Deona R. Hooper v. NCCU	06 OSP 1071	Lassiter	04/25/07	
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Patrice Bernard v. NC A&T State University	06 OSP 1550	Elkins	06/05/07	
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Keith Dial v. Dept. of Juvenile Justice and Delinquency Prevention	06 OSP 2346	Gray	04/20/07	
Cornelia Yvette Taylor v. Currituck County Department of Social Services	06 OSP 2384	Webster	01/07/08	
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Pei Wang v. UNC-Chapel Hill	07 OSP 0273	Lassiter	04/19/07	
Candace R. Berguson v. Caswell County DSS and Mr. Jeff Earp, County Manager	07 OSP 0294	Lassiter	04/20/07	
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Patricia G. Flanagan v. Fayetteville State University	07 OSP 0503	Overby	05/10/07	
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Amy M. Peck v. NC A&T State University Police Department	07 OSP 1346	Lassiter	11/29/07	
Kathleen E. Kicinski v. NC A&T State University	07 OSP 1347	Lassiter	11/29/07	
Kevin Edral Douglas v. NCSU	07 OSP 1465	Joseph	12/03/07	
Bobby R. Davis v. Dept. of Labor, Bureau of Education, Training and Tech. Assistance	07 OSP 1492	Overby	01/04/08	
Terence G. Westry v. NC A&T State University	07 OSP 1497	Webster	12/17/07	
Richard Allen Kono v. DOCC and Adult Probation and Parole	07 OSP 1563	Elkins	01/29/08	
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Lasonya L. Howell v. Cherry Hospital – DHHS	07 OSP 2344	Gray	02/26/08	
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Lysheaka Pullen v. DHHS	08 OSP 0156	Gray	02/18/08	

**SECRETARY OF STATE**

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**CONTESTED CASE DECISIONS**

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Mary C. Brandon v. Department of the Secretary of State	06 SOS 1839	Elkins	04/02/07
Samuel Abraham , pro-se v. SOS, General Counsel Ann Wall	07 SOS 0224	Overby	04/27/07
Mr. Tim Rhodes, President, Event Marketing Services, Inc. v. SOS	07 SOS 0374	Overby	06/14/07
Angela Dozier v. SOS	07 SOS 0912	Gray	08/30/07
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Layton Leach v. UNC Hospital	05 UNC 0449	Bryan	09/07/07
Mary Lawson v. UNC Hospital	05 UNC 0467	Bryan	09/28/07
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Mark A. Parrish v. UNC Hospitals	06 UNC 2406	Elkins	06/15/07
Carolyn Parker v. UNC Hospitals	07 UNC 0924	Lassiter	09/06/07
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