

NORTH CAROLINA REGISTER

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Raleigh, North Carolina 27603

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215 North Dawson Street
Raleigh, North Carolina 27603

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NORTH CAROLINA REGISTER
Publication Schedule for January 2017 – December 2017

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 th day from publication in the Register
31:13	01/03/17	12/07/16	01/18/17	03/06/17	03/20/17	05/01/17	05/2018	09/30/17
31:14	01/17/17	12/20/16	02/01/17	03/20/17	04/20/17	06/01/17	05/2018	10/14/17
31:15	02/01/17	01/10/17	02/16/17	04/03/17	04/20/17	06/01/17	05/2018	10/29/17
31:16	02/15/17	01/25/17	03/02/17	04/17/17	04/20/17	06/01/17	05/2018	11/12/17
31:17	03/01/17	02/08/17	03/16/17	05/01/17	05/22/17	07/01/17	05/2018	11/26/17
31:18	03/15/17	02/22/17	03/30/17	05/15/17	05/22/17	07/01/17	05/2018	12/10/17
31:19	04/03/17	03/13/17	04/18/17	06/02/17	06/20/17	08/01/17	05/2018	12/29/17
31:20	04/17/17	03/24/17	05/02/17	06/16/17	06/20/17	08/01/17	05/2018	01/12/18
31:21	05/01/17	04/07/17	05/16/17	06/30/17	07/20/17	09/01/17	05/2018	01/26/18
31:22	05/15/17	04/24/17	05/30/17	07/14/17	07/20/17	09/01/17	05/2018	02/09/18
31:23	06/01/17	05/10/17	06/16/17	07/31/17	08/21/17	10/01/17	05/2018	02/26/18
31:24	06/15/17	05/24/17	06/30/17	08/14/17	08/21/17	10/01/17	05/2018	03/12/18
32:01	07/03/17	06/12/17	07/18/17	09/01/17	09/20/17	11/01/17	05/2018	03/30/18
32:02	07/17/17	06/23/17	08/01/17	09/15/17	09/20/17	11/01/17	05/2018	04/13/18
32:03	08/01/17	07/11/17	08/16/17	10/02/17	10/20/17	12/01/17	05/2018	04/28/18
32:04	08/15/17	07/25/17	08/30/17	10/16/17	10/20/17	12/01/17	05/2018	05/12/18
32:05	09/01/17	08/11/17	09/16/17	10/31/17	11/20/17	01/01/18	05/2018	05/29/18
32:06	09/15/17	08/24/17	09/30/17	11/14/17	11/20/17	01/01/18	05/2018	06/12/18
32:07	10/02/17	09/11/17	10/17/17	12/01/17	12/20/17	02/01/18	05/2018	06/29/18
32:08	10/16/17	09/25/17	10/31/17	12/15/17	12/20/17	02/01/18	05/2018	07/13/18
32:09	11/01/17	10/11/17	11/16/17	01/02/18	01/22/18	03/01/18	05/2018	07/29/18
32:10	11/15/17	10/24/17	11/30/17	01/16/18	01/22/18	03/01/18	05/2018	08/12/18
32:11	12/01/17	11/07/17	12/16/17	01/30/18	02/20/18	04/01/18	05/2018	08/28/18
32:12	12/15/17	11/22/17	12/30/17	02/13/18	02/20/18	04/01/18	05/2018	09/11/18

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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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.

PUBLIC NOTICE
STATE OF NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

The Division of Energy, Mineral and Land Resources (DEMLR) invites public comment on, or objections to, the permitting actions listed below. Persons wishing to comment or object may submit written comments to the address below by the due dates indicated. All comments received prior to the dates will be considered in the final determinations regarding permit issuance. Public comments may result in changes to the proposed permitting actions. All comments should reference the specific permitting actions listed below and the permit number. DEMLR intends to re-issue the following NPDES industrial General Permits. Please note that for some permits below multiple actions are proposed for the same permit over two separate comment periods.

NCG240000 for Compost Facilities: to be revised and re-issued with proposed re-issuance date – 09/30/2017; public comment period ends 9/15/2017.

The General Permits and Fact Sheets may be viewed 45 days in advance of the scheduled re-issuance dates noted above at:
<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/events>

Please direct comments or objections to: Stormwater Program
NC Division of Energy, Mineral and Land Resources
512 N. Salisbury St.
1612 Mail Service Center
Raleigh, NC 27699-1612
Telephone Number: (919) 807-6369
Robert.Patterson@ncdenr.gov

NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

NORTH CAROLINA BUILDING CODE COUNCIL

Notice of Rule-making Proceedings *is hereby given by NC Building Code Council in accordance with G.S. 150B-21.5(d).*

Citation to Existing Rule Affected by this Rule-Making: *North Carolina Administrative, Building, Electrical, Energy Conservation, Existing Building, Plumbing, and Residential Code amendments.*

Authority for Rule-making: *G.S. 143-136; 143-138.*

Reason for Proposed Action: *To incorporate changes in the NC State Building Codes as a result of rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the Council.*

Public Hearing: *Tuesday, September 12, 2017, 9:00AM, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rule and any fiscal impact will be accepted.*

Comment Procedures: *Written comments may be sent to Barry Gupton, Secretary, NC Building Code Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on October 16, 2017.*

Statement of Subject Matter:

1. Request by the NC Building Code Council, Electrical Committee, to adopt the 2017 North Carolina Electrical Code. The Base Document for the 2017 NC Electrical Code is the 2017 National Electrical Code.

The 2017 NC Committee amendments are posted at the link below and are replacements to the Articles printed in the Base Documents.

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Current_and_Past&user=State_Building_Codes

The 2017 National Electrical Code is available at the link below for purchase or for public access.

<http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is April 1, 2018.

Reason Given – This purpose of this adoption is to update the NC Electrical Code to the 2017 NEC.

Fiscal Statement – This rule is anticipated to have a substantial economic impact. A fiscal note has been approved and posted at the link below.

https://ncosbm.s3.amazonaws.com/s3fs-public/documents/files/BCC_2017-06-08.pdf

2. Request by Daniel Priest, NC Building Code Council and Appendix B Ad-Hoc Committee Chair to amend the 2012/2018 NC Administrative Code and Policies, Section 204.3.4 as follows:

204.3.4 Information Required. A permit application shall be filed with the Inspection Department on a form furnished for that purpose. The Inspection Department shall make available a list of information which must be submitted with the building permit application, including a complete building code summary (see Appendix B) and a permit application information sheet (see Appendix A). The Inspection Department's building code summary shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies. The Inspection Department shall only modify its building code summary as set forth in section 103.5 Modifications, or as necessary to reflect any changes by the Building Code Council to Appendix B of the Administrative Code and Policies.

The 2018 Appendix B - Building Code Summary is available at the link below for public access.

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Enforcement_-_Design_Tools&user=Code_Enforcement_Resources

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to streamline the permit application process by providing a statewide Appendix B building code summary.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

3. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2012 NC Building Code, Section 1301.1.1 as follows:

1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the *International Energy Conservation Code*.

Exception: Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

4. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2012 NC Energy Conservation Code, Section 101.2 as follows:

101.2 Scope. This code applies to *residential* and *commercial* buildings.

Exception: Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U pursuant to Chapter 3 of the 2012 North Carolina Building Code. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

5. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2015 NC Existing Building Code, Section 101.12 as follows:

101.12 Energy conservation.

Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S or U. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

6. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2018 NC Building Code, Section 1301.1.1 as follows:

1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the *International Energy Conservation Code*.

Exception: Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

7. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2018 NC Energy Conservation Code, Section C101.2 as follows:

C101.2 Scope.

This code applies to *commercial buildings* and the buildings' sites and associated systems and equipment.

Exceptions:

1. Energy expended in support of *process energy* applications does not invoke energy conservation code requirements or building thermal envelope requirements unless otherwise required in specific sections of this code.

2. Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U pursuant to Chapter 3 of the 2018 North Carolina Building Code. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

8. Request by the NC Building Code Council in response to SL2017-10 (H131) to amend the 2018 NC Existing Building Code, Section 101.12 as follows:

101.12 Energy conservation.

Per G.S 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S or U. This exclusion shall apply to the entire building area.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – SL2017-10 (H131) directed the NC Building Code Council to revise the 2012 NC Building Code, and any subsequent amendments to the Building Code, to exempt certain building code occupancy classifications from energy efficiency requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

9. Request by Robert Privott, NCHBA and Buddy Hughes, LOGIX to amend the 2012 NC Residential Code, Section R404.1.2.3.6.1 as follows:

R404.1.2.3.6.1 Stay-in-place forms. Stay-in-place concrete forms shall comply with this section.

1. Surface burning characteristics. The flame-spread index and smoke developed index of forming material, other than foam plastic, left exposed on the interior shall comply with Section R302. The surface burning characteristics of foam plastic used in insulating concrete forms shall comply with Section R316.3.

2. Interior covering. Stay-in-place forms constructed of rigid foam plastic shall be protected on the interior of the building as required by Section R316. Where gypsum board is used to protect the foam plastic, it shall be installed with a mechanical fastening system. Use of adhesives in addition to mechanical fasteners is permitted.

3. Exterior wall covering. Stay-in-place forms constructed of rigid foam plastics shall be protected from sunlight and physical damage by the application of an approved exterior wall covering complying with this code. Exterior surfaces of other stay-in-place forming systems shall be protected in accordance with this code.

4. Termite hazards. In areas where hazard of termite damage is ~~very~~ moderate - heavy in accordance with Figure R301.2 (6), foam plastic insulation shall be permitted below grade on foundation walls in accordance with one of the following conditions:

4.1. Where in addition to the requirements in Section R318.1, ~~an approved~~ a method of protecting the foam plastic and structure from subterranean termite damage is provided.

4.2. The structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood

4.3. On the interior side of basement walls.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to coordinate the termite inspection and treatment gaps with the infestation probability that exists in North Carolina.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

10. Request by Robert Privott, NCHBA to amend the 2018 NC Residential Code, Chapter 2 as follows:

FARM BUILDING. Any building not used for sleeping purposes that is not accessed by the general public and is used primarily for a farm purpose. Farm purposes include but are not limited to structures or buildings for equipment, storage and processing of agricultural products or commodities such as: crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry and all other such forms of agricultural products by the specific farm on which the structure or building is located. Farm purposes do not include structures or buildings for uses such as education facilities, research facilities, or aircraft hangers

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this proposal is to provide a definition for a farm building.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

11. Request by Robert Privott, NCHBA and Buddy Hughes, LOGIX to amend the 2018 NC Residential Code, Section R318.4.5.1 as follows:

R318.4.5.1 Inspection and treatment gaps.

Foam plastic in contact with the ground shall not be continuous to the bottom of the weather-resistant siding. A clear and unobstructed 2-inch (51 mm) minimum inspection gap shall be maintained from the bottom of the weather-resistant siding to the top of any foam plastic. A minimum 4-inch (102 mm) treatment gap shall be provided beginning not more than 6 inches (152 mm) below grade. The top and bottom edges of the foam plastic installed between the inspection gap and the treatment gap shall be cut at a 45-degree (0.79 rad) angle. See Appendix O. ~~For additional requirements for ICF foundations see Section R404.1.3.3.6.1.~~

Exception: For ICF foundations see Section R404.1.3.3.6.1

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this proposal is to provide an exception for ICF foundations.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

12. Request by Robert Privott, NCHBA and Buddy Hughes, LOGIX to amend the 2018 NC Residential Code, Section R404.1.3.3.6.1 as follows:

R404.1.3.3.6.1 Stay-in-place forms. Stay-in-place concrete forms shall comply with this section.

1. Surface burning characteristics. The flame-spread index and smoke developed index of forming material, other than foam plastic, left exposed on the interior shall comply with Section R302. The surface burning characteristics of foam plastic used in insulating concrete forms shall comply with Section R316.3.

2. Interior covering. Stay-in-place forms constructed of rigid foam plastic shall be protected on the interior of the building as required by Section R316. Where gypsum board is used to protect the foam plastic, it shall be installed with a mechanical fastening system. Use of adhesives in addition to mechanical fasteners is permitted.

3. Exterior wall covering. Stay-in-place forms constructed of rigid foam plastics shall be protected from sunlight and physical damage by the application of an approved exterior wall covering complying with this code. Exterior surfaces of other stay-in-place forming systems shall be protected in accordance with this code.

~~4. Termite protection. In areas where the probability of termite infestation is "very heavy" as indicated by Table R301.2(1) or Figure R301.2(6), foam plastic insulation shall be permitted below grade on foundation walls in accordance with Section R318.4.~~

4. Termite hazards. In areas where hazard of termite damage is moderate - heavy in accordance with Figure R301.2(6), foam plastic insulation shall be permitted below grade on foundation walls in accordance with one of the following conditions:

4.1. Where in addition to the requirements in Section R318.1, a method of protecting the foam plastic and structure from subterranean termite damage is provided.

4.2. The structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood

4.3. On the interior side of basement walls.

5. Flat ICF wall system forms shall conform to ASTM E 2634.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to coordinate the termite inspection and treatment gaps with the infestation probability that exists in North Carolina.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

B-13. Request by Robert Privott, NCHBA to amend the 2018 NC Residential Code, Table N1102.1.2 (and the 2018 NC Energy Conservation Code, Table R402.1.2) as follows:

TABLES N1102.1.2 and R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

IN ADDITION

CLIMATE ZONE	FENESTRATION U-FACTOR ^{b, j}	SKYLIGHT U-FACTOR ^b	GLAZED FENESTRATION SHGC ^{b, e, k}	CEILING R-VALUE ^m	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^{c, o}	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE WALL R-VALUE ^c
3	0.35	0.55 0.65	0.30	38 or 30ci 30	15 or 13+2.5 13 ^h	5/13 or 5/10ci 5/10	19	5/13^f 10/13 ^f	0	5/13
4	0.35	0.55 0.60	0.30	38 or 30cont. ^j	15 or 13+2.5 ^h	5/13 or 5/10ci 5/10	19	10/45 13	10 ^d	10/45 13
5	0.35	0.55 0.60	NR	38 or 30cont. ^j	19ⁿ or 15, 13+5 ^h or 15+3 ^{e, h}	13/17 or 13/2.5 ci	30 ^g	10/45 13	10 ^d	10/49 13

For SI: 1 foot = 304.8 mm.

a. R-values are minimums. U-factors and SHGC are maximums.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall or crawl space wall.

d. For monolithic slabs, insulation shall be applied from the inspection gap downward to the bottom of the footing or a maximum of 18 inches below grade whichever is less. For floating slabs, insulation shall extend to the bottom of the foundation wall or 24 inches, whichever is less. (See Appendix O) R-5 shall be added to the required slab edge R-values for heated slabs.

e. R-19 fiberglass batts compressed and installed in a nominal 2 × 6 framing cavity is deemed to comply. Fiberglass batts rated R-19 or higher compressed and installed in a 2 × 4 wall is not deemed to comply.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure ~~N1101.2(1) and (2)~~ N1101.7 and Table ~~N1101.2~~ N1101.7.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. 15+3 means R-15 cavity insulation plus R-3 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2. 13+2.5 means R-13 cavity insulation plus R-2.5 sheathing.

i. For Mass Walls, the second R-value applies when more than half the insulation is on the interior of the mass wall.

j. R-30 shall be deemed to satisfy the ceiling insulation requirement wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Otherwise R-38 insulation is required where adequate clearance exists or insulation must extend to either the insulation baffle or within 1" of the attic roof deck.

k. Table value required except for roof edge where the space is limited by the pitch of the roof, there the insulation must fill the space up to the air baffle.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this proposal is to retain the 2012 NC insulation requirements.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

14. Request by Leon Skinner, Raleigh to amend the 2018 NC Plumbing Code, Chapter 2 as follows:

Water service pipe. The pipe from the water main or other source of potable water supply, or from the meter when the meter is at the public right of way, to the water distribution system of the building served. ~~Water service pipe shall terminate 5 feet (1524 mm) outside the foundation wall.~~

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is for consistency with the International Plumbing Code and to allow more flexibility as to where the full-open main water valve can be located.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

15. Request by Leon Skinner, Raleigh to amend the 2018 NC Plumbing Code, Section 605.3 as follows:

605.3 Water service pipe. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. ~~All~~ Water service pipe or tubing, installed underground and outside of the structure, shall have a minimum working pressure rating of 160 psi (1100 kPa) at 73.4°F (23°C). Where the water pressure exceeds 160 psi (1100 kPa), piping material shall have a minimum rated working pressure equal to the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate 5 feet (1524 mm) outside the building at or before the full-open valve located at the entrance to the structure. ~~All~~ Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2018 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is for consistency with the International Plumbing Code and to allow more flexibility as to where the full-open main water valve can be located.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

16. Request by Wade White, PE, Brite Engineering to amend the 2014/2017 NC Electrical Code, Article 680.21(C) as follows:

(C) GFCI Protection. Outlets supplying pool pump motors connected to single-phase, 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection, shall be provided with ground-fault circuit-interrupter protection for personnel.

(1) Pool Pump Motor Replacement. Whenever a pool pump motor requires replacing and the existing branch circuit or receptacle providing power to the pump motor does not provide ground-fault circuit-interrupter protection for personnel as required by 680.21(C), the branch circuit or receptacle shall be updated to provide ground-fault circuit-interrupter protection for personnel.

(2) Existing Pool Pump Motor Branch Circuit and Overcurrent Protection. All existing single-phase, 120-volt through 240-volt branch circuits and overcurrent devices that supply power to a pool pump motor by direct connection or outlet shall comply with the provisions of 680.21(C) when the branch circuits or overcurrent devices are altered, installed, modified, relocated, repaired, or replaced.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is April 1, 2018.

Reason Given – This purpose of this amendment is to mandate lifesaving GFCI technology to existing pool motor systems when work to an existing pool motor electrical circuit is being performed.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

NOTICE:

Appeals and Interpretations of the North Carolina State Building Codes are published online at the following link.

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources

NOTICE:

Objections and Legislative Review requests may be made to the NC Office of Administrative Hearings in accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

<http://www.ncoah.com/rules/>

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 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0202, .0702, .0807, .0903, .1302, and .1402.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/About-DPS/Boards-Commissions/Private-Protective-Services-Board>

Proposed Effective Date: December 1, 2017

Public Hearing:

Date: September 7, 2017

Time: 2:00 p.m.

Location: Private Protective Services Board, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: Update rules to specify how fees shall be paid when an application is submitted online; Update rule .0807 to specify that fundamentals be taught prior to applicants being allowed on the firearms range.

Comments may be submitted to: Phil Stephenson, Field Services Supervisor, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email Phillip.Stephenson@ncdps.gov

Comment period ends: October 2, 2017

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected

- ☐ Substantial economic impact (≥\$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required by G.S. 150B-21.4

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS

(a) Application, license and trainee permit fees are as follows:

- (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;
- (2) two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is requesting a new license be issued because of a transfer to a new company, which shall require a one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in the new company name;
- (3) two hundred fifty dollar (\$250.00) annual trainee permit fee;
- (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to the basic license;
- (5) twenty five dollars (\$25.00) duplicate license fee per year of the license term;
- (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;
- (7) one hundred dollars (\$100.00) temporary permit fee;
- (8) fifty dollars (\$50.00) branch office license fee per year of the license term; and
- (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.

(b) Fees may be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-9.

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

(a) Fees for unarmed security guards are as follows:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;

- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-9.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed security guard firearm registration permits are as follows:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollar (\$15.00) application fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-9.

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a four hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);

- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office. For rifle qualification all shots shall be located on the target. Should a student fail to attain a score of 80 percent accuracy, the student will be given three additional attempts to qualify on the course of fire the student did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire Basic Training Course for Armed Security Guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard currently registered with one company may be registered with a second company. Such registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model and caliber, then no additional firearms training is required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an

applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Applicants for an armed security guard firearm registration permit who possess a current firearms trainer certificate shall be given, upon their written request, a firearms registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with their duty firearms as set forth in Paragraph (d) of this Rule.

(r) The armed security officer is required to qualify annually both for day and night firing with his or her duty handgun, shotgun and rifle, if applicable. If the security officer fails to qualify on either course of fire, the security officer cannot carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the security officer that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

Authority G.S. 74C-5; 74C-9; 74C-13.

14 NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE

(a) Trainer certificate fees are as follows:

- (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;
- (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant;
- (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-9.

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Fees for unarmed armored car service guards are as follows:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-3; 74C-5; 74C-9.

**SECTION .1400 - ARMED ARMORED CAR SERVICE
GUARDS FIREARM REGISTRATION PERMIT**

**14B NCAC 16 .1402 FEES FOR ARMED ARMORED
CAR SERVICE GUARD FIREARM REGISTRATION
PERMIT**

(a) Fees for armed armored car service guard firearm registration permits are as follows:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollars (\$15.00) application fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alarm Systems Licensing Board intends to amend the rules cited as 14B NCAC 17 .0203 and .0302.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/DPS-Services/Permits-Licenses/Alarm-System-Licensing-Board>

Proposed Effective Date: *December 1, 2017*

Public Hearing:

Date: *September 7, 2017*

Time: *2:00 p.m.*

Location: *Alarm Systems Licensing Board Office, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609*

Reason for Proposed Action: *Update rule to specify how fees shall be paid when an application is submitted online.*

Comments may be submitted to: *Phil Stephenson, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 788-5365; email phillip.stephenson@ncdps.gov*

Comment period ends: *October 2, 2017*

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 919-431-3000.

Fiscal impact (check all that apply).

- ☐ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
- ☐ **Analysis submitted to Board of Transportation**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (≥\$1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required by G.S. 150B-21.4**

CHAPTER 17 - ALARMS SYSTEMS LICENSING BOARD

SECTION .0200 – PROVISIONS FOR LICENSEES

14B NCAC 17 .0203 FEES FOR LICENSES

(a) Application license fees are as follows:

- (1) One hundred fifty dollars (\$150.00) non-refundable initial application fee;
- (2) Three hundred seventy-five dollar (\$375.00) biennial fee for a new or renewal license;
- (3) One hundred fifty dollars (\$150.00) branch office license fee;
- (4) One hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74D-7.

SECTION .0300 – PROVISIONS FOR REGISTRANTS

14B NCAC 17 .0302 FEES FOR REGISTRATION

(a) Registration fees are as follows:

- (1) Forty-five dollar (\$45.00) non-refundable biennial registration fee;
- (2) Ten dollar (\$10.00) non-refundable re-issue fee for lost cards or for registration of an employee who changes employment to another licensee;
- (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee;
- (4) Ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors;
- (5) Twenty dollar (\$20.00) late renewal fee to be paid for an application submitted no more than 30 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing ~~Board~~. Board if the application is submitted by hand delivery, U.S. Mail or delivery service and by credit card or e-check or other form of electronic funds transfer if the application is submitted online.

Authority G.S. 74D-7.

TITLE 19A – DEPARTMENT OF TRANSPORTATION

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Transportation intends to readopt with substantive changes the rules cited as 19A NCAC 06C .0107-.0112, .0123-.0127, .0129, .0134, .0301, .0304, .0401, .0403, .0408, .0502, .0503, and .0703-.0706.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdot.gov/about/regulations/rules/>

Proposed Effective Date: *December 1, 2017*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rule by submitting a request in writing no later than August 16, 2017 to Helen Landi, Rulemaking Coordinator, NC Department of Transportation, 1501 Mail Service Center, Raleigh, NC 27699-1501.*

Reason for Proposed Action: *Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. As a result of the periodic review of Subchapter 19A NCAC 06C, 24 rules were determined as "Necessary With Substantive Public Interest," thus necessitating readoption. Upon review for the readoption process, the agency deemed the rules to unnecessary and is recommending repeal.*

Comments may be submitted to: *Helen Landi, 1540 Mail Service Center, Raleigh, NC 27699-1540; email hlandi@ncdot.gov*

Comment period ends: *October 2, 2017*

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 06 - TRANSIT, RAIL, AND AVIATION

SUBCHAPTER 06C - DIVISION OF AERONAUTICS

SECTION .0100 - FACILITY DEVELOPMENT - FINANCIAL ASSISTANCE PROGRAM: GENERAL PROVISIONS

19A NCAC 06C .0107 RETROACTIVE REIMBURSEMENT

~~In its discretion, the Department may grant state financial assistance for any construction commenced prior to the execution of a State Aid to Airports Grant Agreement, provided that concurrence is received from the Department prior to the start of construction. Retroactive reimbursement for land acquisition and planning will be eligible for a period of time consistent with policies and standards of the Federal Aviation Administration.~~

Authority G.S. 63-66; 63-68; 143B-348.

19A NCAC 06C .0108 STATE FINANCIAL ASSISTANCE CONSTRUCTION STANDARDS

~~In order to qualify for state financial assistance, local governments or airport authorities currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which will be open to the public without restriction shall meet criteria and standards of construction as specified by the Director of Aeronautics. Generally, this will coincide with the standards contained in the AC 150 Series of FAA Advisory Circulars, available from the United States Department of Transportation, Washington, D. C. and on file in the Division of Aeronautics. Sponsors may alternately meet the applicable construction standards contained in "Standard Specifications for Roads and Structures" available from the Division of Highways, Raleigh, and on file in the Division of Aeronautics. On a case by case basis, the Director of Aeronautics may require adherence to the FAA Advisory Circular Series, the North Carolina "Standard Specifications for Roads and Structures", or any other standards as he may prescribe.~~

Authority G.S. 63-66; 143B-348; 143B-355.

19A NCAC 06C .0109 PROJECT APPLICATION PROCEDURES

~~(a) Applications for State financial assistance shall be made as part of the Department's overall Transportation Improvement~~

Program (TIP), which is the Department's annual program for expenditure of funds for all modes of transportation under the control of the Department. Deadlines for submission of applications, procedures, and forms shall be provided annually to local governments or airport authorities currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which shall be open to the public without restriction. This information shall be furnished upon request to the Director of Aviation of the Department of Transportation.

(b) Applications for State Aid to Airports shall be made on the approved Request for Aid Form to the Director of Aeronautics. Applications shall contain:

- (1) an executed state financial assistance Request for Aid Form;
- (2) a current airport layout plan depicting the proposed project;
- (3) a detailed cost estimate showing construction quantities and their costs; and
- (4) a narrative statement outlining the facts about the project and giving the rationale for its need.

Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-355.

19A NCAC 06C .0110 ENVIRONMENTAL ASSESSMENT

Under the provisions of the North Carolina Environmental Policy Act, each State Aid to Airports project shall be reviewed to determine if, and to what degree, assessment of the environmental impact of the project is required. The Director of Aeronautics shall determine if the project requires full environmental assessment and coordination. Should environmental assessment be necessary, the sponsor, which is the local government or airport authority currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which shall be open to the public without restriction, shall prepare an assessment and circulate it to state agencies through the State Clearinghouse and to appropriate federal agencies through direct submission. The sponsor shall then answer all substantive questions and comments and receive the concurrence of the commenting agency that the responses are acceptable. Upon submission of the assessment and all comments, the Director of Aeronautics shall complete any further review and approvals needed. The Secretary of Transportation shall then determine if State funds may be expended on the project within the provisions of the North Carolina Environmental Policy Act.

Authority G.S. 63-66; 63-68; 113A-4; 143B-350(f),(g).

19A NCAC 06C .0111 PROJECT APPROVAL PROCEDURES

Applications for state financial assistance will be presented to the Aeronautics Council at a regular meeting. After seeking the advice of the Division of Aeronautics professional staff, the Aeronautics Council will recommend approval, disapproval, or modification of project requests to the Secretary of Transportation. The Secretary of Transportation will make the final decision on approval, disapproval or modification of the request.

Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-356.

19A NCAC 06C .0112 ALLOWABLE PROJECT COSTS
Eligible items of work and state funds amounts shall be stipulated in the Grant Agreement mutually executed by the Department and the sponsor, which is the local governments or airport authorities currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which shall be open to the public without restriction. Items eligible for state financial assistance are those eligible for assistance under the federal Airport Improvement Program. These items are contained in Federal Aviation Regulation Part 152 and Federal Aviation Administration Order 5100.38A, "Airport Improvement Program Handbook," which is incorporated by reference and includes subsequent editions and amendments. Allowable costs and project accounting requirements are contained in the Federal Procurement Regulations. These documents are available upon request to the Director of Aviation of the Department of Transportation at no cost. A Program Guidance Handbook is available upon request to the Director of Aviation of the Department of Transportation.

Authority G.S. 63-66; 63-67; 63-68; 143B-348.

19A NCAC 06C .0123 SPONSOR CERTIFICATION OF LOCAL MATCHING FUNDS

Allocations of State Aid to Airports funds shall be made only for current projects which can get underway without delay. Sponsors requesting funds shall have the local matching funds in their approved budget or be able to approve the funds on an immediate basis. Upon arrival of a State Aid to Airports allocation and its placement in the TIP, the sponsor shall have no less than 60 calendar days to certify the availability of the local share of funds for the project. Failure to certify funds availability on a timely basis may result in the cancellation of the allocation by the Department.

Authority G.S. 63-66; 63-68.

19A NCAC 06C .0124 LIMITS ON USE OF ALLOCATED FUNDS

Allocation of state funds for a State Aid to Airports project is on the basis of a specific amount of funds for a specific work element. If all approved funds are not needed for the approved work element the excess funds shall be returned to the State Aid to Airports Program unobligated balance. Local governments or airport authorities currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which shall be open to the public without restriction may not transfer current funds to other work elements unless the transfer has been reviewed and approved by the Department. Such approval shall be made only after application of the State Aid to Airports priority system and the project is of sufficiently high priority compared to other pending project requests.

Authority G.S. 63-66; 63-68.

19A NCAC 06C .0125 TIME LIMITS ON CONSTRUCTION OF THE PROJECT

All projects receiving State Aid to Airports shall get underway and be completed without undue delay. The Grant Agreement for the project shall stipulate the completion time expected for the project. The Agreement shall provide at least one year from the time of the offer of the Grant Agreement to complete the project. The maximum time allowed shall be two years, unless the project involves complex procedures for which additional time is needed. Failure to complete the project within the stipulated time period may be cause for cancellation of the project.

Authority G.S. 63-66; 63-68.

19A NCAC 06C .0126 REQUEST FOR EXTENSION OF TIME TO COMPLETE PROJECT

In the event a project is not completed within the stipulated time frame as contained in the Grant Agreement, no state funds will be granted for work completed after the completion date. On a case by case basis, the time for completion may be extended if extenuating circumstances prevent the sponsor, which for purposes of this Rule and all other rules in this Section, is the local government or airport authority currently operating or proposing to develop a publicly owned airport, seaplane port or heliport which shall be open to the public without restriction, from completion by the date specified. In order to extend the time for completion, the sponsor must submit a written request for time extension in the format specified by the Department explaining in detail the reason why the project was not completed by the specified completion date. In its discretion, the Department may approved the extension and specify a new completion date. Only under extraordinary circumstances will more than one time extension be granted on the same project.

Authority G.S. 63-66; 63-68.

19A NCAC 06C .0127 SANCTIONS FOR NON-PERFORMANCE ON STATE AID PROJECTS

In the event a sponsor is not responsive to requests to complete a project, provide financial documentation, has a pending required refund on another project, or otherwise is grossly deficient in the conduct of a project, the Department may withhold new grants or suspend existing grants until the project deficiency has been corrected.

Authority G.S. 63-66; 63-68.

19A NCAC 06C .0129 DEPARTMENT TO ACT AS AGENT FOR FEDERAL GRANT PROGRAMS

The Department is authorized under the provisions of G.S. 63 to act as an agent for sponsors in their relations with the Federal Aviation Administration and other federal agencies. Sponsors which wish to have the Department act in their behalf shall submit a written proposal detailing the type of assistance desired and the proposed role of the Department in obtaining this assistance. The proposal shall be submitted to the Director of Aeronautics.

Authority G.S. 63-66; 63-71.

19A NCAC 06C .0134 HOSPITAL HELIPORTS

~~A hospital heliport will be eligible for State Aid to Airports provided it is made available to the general public for use without undue restriction. Hospital heliports which are restricted to medical helicopter operations will be considered to be private facilities and are not eligible for State Aid to Airports.~~

Authority G.S. 63-66.

SECTION .0300 - FACILITY DEVELOPMENT - TECHNICAL ASSISTANCE PROGRAM**19A NCAC 06C .0301 PROMOTION OF AVIATION FACILITY SAFETY**

~~The Department of Transportation, through the Division of Aeronautics shall promote development and improvement of air routes, airport facilities, seaplane bases, and heliports for the protection of the public and economics welfare of the State. Assistance is offered to all North Carolina airports, but priority is given to publicly owned airports and their safety programs. Technical assistance, advice, and non financial assistance are available for planning, design and review of any project relating to safe and efficient use of all airports and airway facilities. Specific airport planning and engineering remains the responsibility of the airport facility requesting assistance.~~

Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-355.

19A NCAC 06C .0304 PROJECT APPLICATION AND APPROVAL PROCEDURES

~~Airport owners desiring technical assistance from the Division of Aeronautics shall apply in writing to the Director of Aeronautics. The inquiry shall explain the reason for the request and outline the type of assistance desired. The Director of Aeronautics will then determine if the request can be handled within the time limitations of other duties. If the request is approved, the Director of Aeronautics shall notify the airport owner and assign a member of the professional staff to coordinate the project.~~

Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-355.

SECTION .0400 - FACILITY DEVELOPMENT - EMERGENCY STATE AVIATION AID PROGRAM**19A NCAC 06C .0401 CORRECTION OF AVIATION SAFETY HAZARDS**

~~Pursuant to G.S. 63-68, the Department is authorized to provide funding and services to publicly owned airports for various activities and safety purposes. Application for the assistance provided under this statute shall be made to the Division of Aeronautics on an application form approved by the director.~~

Authority G.S. 63-68; 143B-350(f),(g); 143B-355.

19A NCAC 06C .0403 PROJECT APPLICATION AND APPROVAL

~~Airport sponsors desiring projects related to the emergency pavement marking, air marking, safety deficiency correction, or air navigation aid shall apply in writing to the Director of Aeronautics. The application shall identify the airport or airports to be served, describe the proposed project, and, in the case of air navigational aids, explain the relevance of the proposed installation to surrounding airports. The Director of Aeronautics shall determine if the project is within the scope of the aviation aid programs and, should the project be approved, shall schedule action on the project in relation to its priority among all such requests. In each case, enhancement of flight safety shall be the primary determination of project priority.~~

Authority G.S. 63-66; 63-68; 63-70; 143B-350(f),(g); 143B-355.

19A NCAC 06C .0408 SPONSOR'S RESPONSIBILITIES

~~The sponsor shall assure that property upon which Emergency State Aviation Aid Program funds, which are funds expended entirely by the Department of Transportation without local participation for work done by personnel and equipment of the Department, are expended is owned, leased, or otherwise controlled by the sponsor. In the case of projects which require action to be taken on or near airport property lines, such as obstruction clearing, it shall be the responsibility of the sponsor to mark the airport boundaries clearly and to clearly mark the boundaries of the area to be affected by the project. The sponsor shall take special precaution to insure that no activities are carried out beyond the official airport boundaries.~~

Authority G.S. 63-65; 63-66; 63-68; 63-70.

**SECTION .0500 - AIR TRANSPORTATION
DEVELOPMENT PROGRAM**

19A NCAC 06C .0502 RECIPIENTS ELIGIBILITY STANDARDS

~~The Department of Transportation may offer advice and non financial assistance under the Air Transportation Development Program to any governmental unit, individual, or corporate entity doing business in North Carolina.~~

Authority G.S. 63-66.

19A NCAC 06C .0503 PROJECT ELIGIBILITY STANDARDS

~~Assistance under the Air Transportation Development Program is limited to technical assistance for those persons and organizations desiring to establish or improve air transportation services offered to North Carolina. Such assistance includes socio economic guidance to determine demand for air transportation services, assistance in developing service levels and operating procedures, and overview of operations to insure adequacy and efficiency of~~

~~service. This assistance is offered to Civil Aeronautics Board certificated air carriers, commuter airlines and non scheduled air services.~~

Authority G.S. 63-65; 63-66; 63-70; 143B-350(f),(g).

SECTION .0700 - STATE AIRPORTS

19A NCAC 06C .0703 TRESPASS ON STATE AIRPORTS

~~No person shall enter upon the runway(s), taxiway(s), aircraft parking apron(s), building(s), or adjacent areas of Billy Mitchell Airport at Hatteras and Ocracoke Island Airport at Ocracoke which are owned or operated by the Department of Transportation unless that person is a pilot, aircraft owner, passenger, or other person who has business on the airport directly related to the provision of air transportation services.~~

Authority G.S. 63-72; 143B-350(f),(g).

19A NCAC 06C .0704 PROHIBITION AGAINST GROUND VEHICLES ON STATE AIRPORTS

~~No person shall operate a ground vehicle on the runway(s), taxiway(s), aircraft parking apron(s), or adjacent areas of Billy Mitchell Airport at Hatteras and Ocracoke Island Airport at Ocracoke which are owned or operated by the Department of Transportation unless prior permission has been obtained from the Director of Aeronautics.~~

Authority G.S. 63-72; 143B-350(f),(g).

19A NCAC 06C .0705 CLOSURE OF STATE AIRPORTS DURING HOURS OF DARKNESS

~~The Billy Mitchell Airport at Frisco, NC and the Ocracoke Island Airport at Ocracoke, NC are closed to all flight operations between a time beginning 30 minutes after civil sunset and extending to a time ending 30 minutes prior to civil sunrise.~~

Authority G.S. 63-72.

19A NCAC 06C .0706 COMMERCIAL FLIGHT OPERATIONS PROHIBITED WITHOUT APPROVAL

~~No person shall base or otherwise conduct commercial aeronautical activities from a state airport without the permission of the Director of Aeronautics. With regard to the Billy Mitchell Airport at Frisco, NC and the Ocracoke Island Airport at Ocracoke, NC, any such commercial operations shall also require the approval of the National Park Service operating through the Cape Hatteras Management Group in Manteo, NC.~~

Authority G.S. 63-72.

APPROVED RULES

*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 June 15, 2017 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****MEDICAL CARE COMMISSION**

<u>Administrative Penalty Determination Process</u>	10A NCAC 13D .2111*	G.S. 150B-21.5(b)(1)
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF

<u>Definitions</u>	10A NCAC 14D .0102*	G.S. 150B-21.5(b)(1)
<u>Submission of Information to the Division of Health Servi...</u>	10A NCAC 14D .0201*	G.S. 150B-21.5(b)(1)
<u>Capacity</u>	10A NCAC 14D .0202*	G.S. 150B-21.5(b)(1)
<u>Design and Construction</u>	10A NCAC 14D .0203*	G.S. 150B-21.5(b)(1)
<u>Location</u>	10A NCAC 14D .0204*	G.S. 150B-21.5(b)(1)
<u>Living Arrangement</u>	10A NCAC 14D .0205*	G.S. 150B-21.5(b)(1)
<u>Living Room</u>	10A NCAC 14D .0206*	G.S. 150B-21.5(b)(1)
<u>Dining Room</u>	10A NCAC 14D .0207*	G.S. 150B-21.5(b)(1)
<u>Kitchen</u>	10A NCAC 14D .0208*	G.S. 150B-21.5(b)(1)
<u>Bedrooms</u>	10A NCAC 14D .0209*	G.S. 150B-21.5(b)(1)
<u>Bathroom</u>	10A NCAC 14D .0210*	G.S. 150B-21.5(b)(1)
<u>Storage Areas</u>	10A NCAC 14D .0211*	G.S. 150B-21.5(b)(1)
<u>Corridor</u>	10A NCAC 14D .0212*	G.S. 150B-21.5(b)(1)
<u>Outdoor Entrance and Exits</u>	10A NCAC 14D .0213*	G.S. 150B-21.5(b)(1)
<u>Laundry Room</u>	10A NCAC 14D .0214*	G.S. 150B-21.5(b)(1)
<u>Floors</u>	10A NCAC 14D .0215*	G.S. 150B-21.5(b)(1)
<u>Housekeeping and Furnishings</u>	10A NCAC 14D .0216*	G.S. 150B-21.5(b)(1)
<u>Fire Safety and Disaster Plan</u>	10A NCAC 14D .0217*	G.S. 150B-21.5(b)(1)
<u>Building Service Equipment</u>	10A NCAC 14D .0218*	G.S. 150B-21.5(b)(1)
<u>Outside Premises</u>	10A NCAC 14D .0219*	G.S. 150B-21.5(b)(1)
<u>Planning Program Activities</u>	10A NCAC 14D .0301*	G.S. 150B-21.5(b)(1)
<u>Administrator</u>	10A NCAC 14D .0302*	G.S. 150B-21.5(b)(1)
<u>Supervisor in Charge</u>	10A NCAC 14D .0303*	G.S. 150B-21.5(b)(1)
<u>Enrollment of Residents</u>	10A NCAC 14D .0401*	G.S. 150B-21.5(b)(1)
<u>Planning Services for Individual Residents</u>	10A NCAC 14D .0402*	G.S. 150B-21.5(b)(1)
<u>Staffing</u>	10A NCAC 14D .0501*	G.S. 150B-21.5(b)(1)
<u>Staff</u>	10A NCAC 14D .0502*	G.S. 150B-21.5(b)(1)
<u>Medication Administration</u>	10A NCAC 14D .0601*	G.S. 150B-21.5(b)(1)
<u>Medication Administration Competency Evaluation</u>	10A NCAC 14D .0602*	G.S. 150B-21.5(b)(1)
<u>Medication Administration Policies and Procedures</u>	10A NCAC 14D .0603*	G.S. 150B-21.5(b)(1)
<u>Food Procurement and Safety</u>	10A NCAC 14D .0701*	G.S. 150B-21.5(b)(1)
<u>Food Preparation and Service</u>	10A NCAC 14D .0702*	G.S. 150B-21.5(b)(1)
<u>Menus</u>	10A NCAC 14D .0703*	G.S. 150B-21.5(b)(1)
<u>Food Requirements</u>	10A NCAC 14D .0704*	G.S. 150B-21.5(b)(1)
<u>Therapeutic Diets</u>	10A NCAC 14D .0705*	G.S. 150B-21.5(b)(1)

<u>Feeding Assistance</u>	10A NCAC 14D .0706*	G.S. 150B-21.5(b)(1)
<u>Accommodation of Resident Needs and Preferences</u>	10A NCAC 14D .0707*	G.S. 150B-21.5(b)(1)
<u>Activities Program</u>	10A NCAC 14D .0801*	G.S. 150B-21.5(b)(1)
MENTAL HEALTH, COMMISSION FOR		
<u>Duties of Certified Forensic Evaluator</u>	10A NCAC 27H .0207*	31:01 NCR
INSURANCE, COMMISSIONER OF		
<u>Approval of Courses</u>	11 NCAC 06A .0809*	31:16 NCR
MANUFACTURED HOUSING BOARD		
<u>Forms</u>	11 NCAC 08 .0904*	31:18 NCR
CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION		
<u>Basic Law Enforcement Training</u>	12 NCAC 09B .0205	31:14 NCR
<u>Basic Training - Juvenile Court Counselors and Chief Cour...</u>	12 NCAC 09B .0235*	31:14 NCR
<u>Basic Training - Juvenile Justice Officers</u>	12 NCAC 09B .0236*	31:14 NCR
<u>Recommendation for General Instructor Certification</u>	12 NCAC 09C .0216*	31:14 NCR
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<u>Catawba River Basin</u>	15A NCAC 02B .0308*	31:11 NCR
COASTAL RESOURCES COMMISSION		
<u>Authority</u>	15A NCAC 07L .0101*	31:13 NCR
<u>Purpose</u>	15A NCAC 07L .0102	31:13 NCR
<u>Priorities for Funding Planning and Management Projects</u>	15A NCAC 07L .0503*	31:13 NCR
SECRETARY OF STATE, DEPARTMENT OF THE		
<u>Signature and Execution Under Oath of an Electronically F...</u>	18 NCAC 12 .0214*	31:18 NCR
TRANSPORTATION, DEPARTMENT OF		
<u>Non-Collusion and Certifications</u>	19A NCAC 02D .0818*	31:17 NCR
MEDICAL BOARD		
<u>Meetings</u>	21 NCAC 32A .0104*	31:17 NCR
<u>Request for Declaratory Ruling</u>	21 NCAC 32A .0111*	31:17 NCR
<u>Definitions</u>	21 NCAC 32K .0101*	31:17 NCR
<u>Receipt and Use of Information of Potential Impairment</u>	21 NCAC 32K .0201*	31:17 NCR
<u>Assessment and Referral</u>	21 NCAC 32K .0202*	31:17 NCR
<u>Monitoring Treatment Sources</u>	21 NCAC 32K .0203*	31:17 NCR
<u>Monitoring Rehabilitation and Performance</u>	21 NCAC 32K .0204*	31:17 NCR
<u>Monitoring Post-Treatment Support</u>	21 NCAC 32K .0205	31:17 NCR
<u>Reports of Individual Cases to the Board</u>	21 NCAC 32K .0206	31:17 NCR
<u>Periodic Reporting of Statistical Information</u>	21 NCAC 32K .0207*	31:17 NCR
<u>Confidentiality</u>	21 NCAC 32K .0208	31:17 NCR
<u>Review Committee</u>	21 NCAC 32K .0209*	31:17 NCR
<u>Method of Identification</u>	21 NCAC 32M .0111*	31:17 NCR
<u>Reporting Criteria</u>	21 NCAC 32Y .0101	31:17 NCR

REAL ESTATE COMMISSION

Continuing Education for License Activation

21 NCAC 58A .1703*

G.S. 150B-21.5(a)(5)

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES*Eff. October 1, 2012;
Repealed Eff. July 1, 2017.***10A NCAC 13D .2111 ADMINISTRATIVE PENALTY DETERMINATION PROCESS**

*History Note: Authority G.S. 131D-34; 131E-104; 143B-165;
Eff. August 3, 1992;
Amended Eff. March 1, 1995;
Transferred and recodified from 10 NCAC 03H .0221 Eff.
January 10, 1996;
Amended Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0102 DEFINITIONS

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0201 SUBMISSION OF INFORMATION TO THE DIVISION OF HEALTH SERVICE REGULATION CONSTRUCTION SECTION
10A NCAC 14D .0202 CAPACITY
10A NCAC 14D .0203 DESIGN AND CONSTRUCTION
10A NCAC 14D .0204 LOCATION
10A NCAC 14D .0205 LIVING ARRANGEMENT
10A NCAC 14D .0206 LIVING ROOM
10A NCAC 14D .0207 DINING ROOM
10A NCAC 14D .0208 KITCHEN
10A NCAC 14D .0209 BEDROOMS
10A NCAC 14D .0210 BATHROOM
10A NCAC 14D .0211 STORAGE AREAS
10A NCAC 14D .0212 CORRIDOR
10A NCAC 14D .0213 OUTSIDE ENTRANCE AND EXITS
10A NCAC 14D .0214 LAUNDRY ROOM
10A NCAC 14D .0215 FLOORS
10A NCAC 14D .0216 HOUSEKEEPING AND FURNISHINGS
10A NCAC 14D .0217 FIRE SAFETY AND DISASTER PLAN
10A NCAC 14D .0218 BUILDING SERVICE EQUIPMENT
10A NCAC 14D .0219 OUTSIDE PREMISES

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;*

10A NCAC 14D .0301 PLANNING PROGRAM ACTIVITIES
10A NCAC 14D .0302 ADMINISTRATOR
10A NCAC 14D .0303 SUPERVISOR IN CHARGE

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0401 ENROLLMENT OF RESIDENTS
10A NCAC 14D .0402 PLANNING SERVICES FOR INDIVIDUAL RESIDENTS

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0501 STAFFING
10A NCAC 14D .0502 STAFF

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0601 MEDICATION ADMINISTRATION
10A NCAC 14D .0602 MEDICATION ADMINISTRATION COMPETENCY EVALUATION
10A NCAC 14D .0603 MEDICATION ADMINISTRATION POLICIES AND PROCEDURES

*History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.*

10A NCAC 14D .0701 FOOD PROCUREMENT AND SAFETY
10A NCAC 14D .0702 FOOD PREPARATION AND SERVICE
10A NCAC 14D .0703 MENUS
10A NCAC 14D .0704 FOOD REQUIREMENTS
10A NCAC 14D .0705 THERAPEUTIC DIETS
10A NCAC 14D .0706 FEEDING ASSISTANCE
10A NCAC 14D .0707 ACCOMMODATION OF RESIDENT NEEDS AND PREFERENCES

History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.

10A NCAC 14D .0801 ACTIVITIES PROGRAM

History Note: Authority S.L. 2011-104; S.L. 2015-52;
Temporary Adoption Eff. January 1, 2012;
Eff. October 1, 2012;
Repealed Eff. July 1, 2017.

10A NCAC 27H .0207 DUTIES OF A CERTIFIED FORENSIC EVALUATOR

When a capacity evaluation is ordered by the court, to be conducted through the LME-MCO, the local certified forensic evaluator shall conduct a forensic evaluation or examination of the defendant and shall submit a report to the court that addresses the following:

- (1) the defendant's current mental state, his or her capacity to proceed to trial, a treatment recommendation, if any, and if the defendant lacks capacity to proceed, the likelihood that the defendant will gain the capacity to proceed; or
- (2) the need for further evaluation of the defendant at the Pre-Trial Evaluation Center if the certified forensic evaluator is unable to reach a conclusion as to the defendant's capacity to proceed to trial.

History Note: Authority G.S. 15A 1002; 122C-54; 122C-115.4(a); 143B-147;
Eff. July 1, 1982;
Amended Eff. _____; May 1, 1990.

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 06A .0809 APPROVAL OF COURSES

(a) All providers of courses specifically approved under Rule .0803 of this Section shall pay the fee prescribed in G.S. 58-33-133(b) and shall provide to the Commissioner or Administrator copies of:

- (1) program catalogs;
- (2) course outlines; and
- (3) advertising literature.

(b) All providers of courses not specifically approved under Rule .0803 of this Section shall do the following:

- (1) Any individual, school, insurance company, insurance industry association, or other organization intending to provide classes, seminars, or other forms of instruction as approved courses shall:
 - (A) apply on forms provided by the Commissioner or Administrator, located on the N.C. Department of Insurance's website at

- http://www.ncdoi.com/ASD/CE_Providers_For_Insurance.aspx#Forms;
 - (B) pay the fee prescribed in G.S. 58-33-133(b);
 - (C) provide outlines of the subject matter to be covered; and
 - (D) provide copies of handouts to be distributed to course participants.
- (2) All providers of supervised individual study programs shall file copies of:
- (A) the study programs;
 - (B) the examination; and
 - (C) the Internet course security procedures.

(c) The Commissioner shall determine the number of ICECs that have been assigned to the approved course in accordance with Rule .0805 of this Section.

(d) If a course is not approved or disapproved by the Commissioner or his or her designee within 60 days after receipt of all required information, the course shall be deemed to be approved at the end of the 60-day period.

(e) If a course approval application is denied by the Commissioner or his or her designee, a written explanation of the reason for denial shall be furnished to the provider.

(f) Course approval applications shall include the following:

- (1) a statement indicating for whom the course is designed;
- (2) the course objectives;
- (3) the names and duties of all persons who will be affiliated in an official capacity with the course;
- (4) the course provider's tuition and fee refund policy;
- (5) an outline that shall include:
 - (A) a statement of whether there will be a written examination, a written report, or only a certification of attendance;
 - (B) the method of course presentation;
 - (C) a course content outline with instruction hours assigned to the major topics; and
 - (D) a schedule of dates, beginning and ending times, and places the course will be offered, along with the names of instructors for each course session, submitted at least 10 days before any subsequent course offerings.
- (6) a copy of the course completion certificate;
- (7) a course rating form;
- (8) a course bibliography; and
- (9) an electronic copy of the course content and course examination for Internet courses.

(g) A provider may request that its materials be kept confidential if they are of a proprietary nature.

(h) A provider shall not cancel a course unless the provider gives written notification to all students on the roster and to the Commissioner or Administrator at least five days before the date of the course. This Paragraph does not apply to the cancellation of a course or class because of inclement weather.

- (i) A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15 business days after course completion.
- (j) An error on the licensee's record that is caused by the provider in submitting the course attendance records shall be resolved by the provider within 15 days after the discovery of the error by the provider.

History Note: Authority G.S. 58-2-40; 58-33-130; 58-33-132; 58-33-133;
Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December 19, 1990;
ARRC Objection Lodged July 19, 1990;
Eff. December 1, 1990;
Amended Eff. October 1, 2014; March 1, 2011; February 1, 2008; February 1, 1996; June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016;
Amended Eff. July 1, 2017; December 1, 2016.

11 NCAC 08 .0904 FORMS

(a) An application for a license as a manufactured housing manufacturer or manufactured housing dealer shall include the following:

- (1) the name of the person or business applicant;
- (2) the business address of the applicant;
- (3) the state under whose laws the applicant firm or corporation is organized or incorporated;
- (4) a resume of each owner, partner, and officer of the applicant firm or corporation. Each resume shall state his or her education and a complete job history, as well as a listing of residences for the last seven years;
- (5) the type of license applied for;
- (6) a signature of the person with authority to legally obligate the applicant; and
- (7) a statement that the appropriate bond is attached.

(b) An application for a license as a manufactured set-up contractor shall include the following:

- (1) the name of the person or business applicant;
- (2) the business address of the applicant;
- (3) the state under whose laws the applicant firm or corporation is organized or incorporated;
- (4) a resume of each owner, partner, or officer of the applicant firm or corporation. Each resume shall state his or her education and a complete job history, as well as a listing of residences for the last seven years;
- (5) the type of license applied for;
- (6) a signature of the person with authority to legally obligate the applicant;
- (7) a statement that the appropriate bond is attached;
- (8) a criminal history record check consent form signed by each owner, partner, and officer of the applicant firm or corporation with their

- initial application and other documentation or materials required by G.S. 143-143.10A; and
- (9) the social security number for each owner.
- (c) An application for a license as a manufactured housing salesperson shall include the following:
- (1) the name of the applicant;
 - (2) the applicant's address;
 - (3) the name and business address of the dealer employing the applicant;
 - (4) the name and address of previous employers of the applicant for the past three years;
 - (5) three personal references;
 - (6) a wallet size photograph;
 - (7) a criminal history record check consent form signed by each applicant with their initial application and other documentation or materials required by G.S. 143-143.10A; and
 - (8) The applicant's social security number.

(d) Corporate surety bonds, as specified in 11 NCAC 08 .0905, shall include the name of the applicant, the name of the surety, the amount of the bond, and the terms of cancellation.

(e) The Board shall provide applications for renewal of licenses, which shall include the name and address of the applicant, the type of license, the date the license expires, the amount of the license renewal fee, and instructions for completion.

(f) A request for cancellation of license shall include the name and address of the licensee, the effective date of the cancellation, the specific reason for the cancellation, and the signature of the person with authority to legally obligate the licensee.

(g) All applications pursuant to this Rule shall use a form provided by the Manufactured Housing Board. Each application and form required by this Rule may be obtained from the North Carolina Manufactured Housing Board, c/o North Carolina Department of Insurance, Manufactured Building Division, 1202 Mail Service Center, Raleigh, NC 27699-1202.

History Note: Authority G.S. 110-142.1; 132-1.10; 143-143.10; 143-143.10A; 143-143.11; 143-143.12;
Eff. January 1, 1983;
Amended Eff. July 1, 2017; February 1, 2006; March 1, 1988.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

(a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 616 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

- (1) LEGAL UNIT
 - (A) Motor Vehicle Laws 20 Hours
 - (B) Preparing for Court and Testifying in Court 12 Hours
 - (C) Elements of Criminal Law 24 Hours

(D)	Juvenile Laws and Procedures		UNIT TOTAL	214 Hours
		8 Hours		
(E)	Arrest, Search and		(6) SHERIFF-SPECIFIC UNIT	
	Seizure/Constitutional Law	28 Hours	(A) Civil Process	24 Hours
(F)	Alcohol Beverage Control		(B) Sheriffs' Responsibilities: Detention	
	(ABC)Laws and Procedures	4 Hours	Duties	4 Hours
	UNIT TOTAL	96 Hours	(C) Sheriffs' Responsibilities: Court	
(2)	PATROL DUTIES UNIT		Duties	6 Hours
(A)	Techniques of Traffic Law		UNIT TOTAL	34 Hours
	Enforcement	24 Hours	(7) COURSE ORIENTATION	2 Hours
(B)	Explosives and Hazardous Materials		(8) TESTING	16 Hours
	Emergencies	12 Hours	TOTAL COURSE HOURS	616 Hours
(C)	Traffic Crash Investigation	20 Hours		
(D)	In-Custody Transportation	8 Hours		
(E)	Crowd Management	12 Hours		
(F)	Patrol Techniques	28 Hours		
(G)	Law Enforcement Communication			
	and Information Systems	8 Hours		
(H)	Anti-Terrorism	4 Hours		
(I)	Rapid Deployment	8 Hours		
	UNIT TOTAL	124 Hours		
(3)	LAW ENFORCEMENT COMMUNICATION			
	UNIT			
(A)	Responding to Victims and the Public			
		10 Hours		
(B)	Domestic Violence Response			
		12 Hours		
(C)	Ethics for Professional Law			
	Enforcement	4 Hours		
(D)	Individuals with Mental Illness and			
	Developmental Disabilities	8 Hours		
(E)	Crime Prevention Techniques			
		6 Hours		
(F)	Communication Skills for Law			
	Enforcement Officers	8 Hours		
	UNIT TOTAL	48 Hours		
(4)	INVESTIGATION UNIT			
(A)	Fingerprinting and Photographing			
	Arrestee	6 Hours		
(B)	Field Note-taking and Report Writing			
		12 Hours		
(C)	Criminal Investigation	34 Hours		
(D)	Interviews	16 Hours		
(E)	Controlled Substances	12 Hours		
(F)	Human Trafficking	2 Hours		
	UNIT TOTAL	82 Hours		
(5)	PRACTICAL APPLICATION UNIT			
(A)	First Responder	32 Hours		
(B)	Firearms	48 Hours		
(C)	Law Enforcement Driver Training			
		40 Hours		
(D)	Physical Fitness (classroom			
	instruction)	8 Hours		
(E)	Fitness Assessment and Testing			
		12 Hours		
(F)	Physical Exercise 1 hour daily, 3 days			
	a week	34 Hours		
(G)	Subject Control Arrest Techniques			
		40 Hours		

(c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

(d) The "Basic Law Enforcement Training Course Management Guide" published by the North Carolina Justice Academy shall be used by school directors in planning, implementing, and delivering basic training courses. Copies of this guide may be obtained at the cost of printing and postage from the Justice Academy.

History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984; Amended Eff. July 1, 2017; July 1, 2016; January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum of 151 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

- | | |
|--|---------|
| (1) Juvenile Justice Common Core: | |
| (A) Basic Individual Counseling Skills | 8 hours |
| (B) Interpersonal Communication Skills | 8 hours |
| (C) Working with Families | 3 hours |
| (D) Characteristics of Delinquents | 4 hours |

- (E) Unlawful Workplace Harassment 2 hours
- (F) Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace 2 hours
- (G) Staff and Juvenile Relationships 4 hours
- (H) Gang Awareness 4 hours
- (I) Situational Awareness and Risk Assessment 4 hours
- (J) Restraints, Controls, and Defensive Techniques 28 hours
- (K) Mechanical Restraints 4 hours
- (L) Mental Health 8 hours
- (M) CPR 4 hours
- (N) First Aid 4 hours
- (O) Employee Fitness and Wellness 4 hours

- (P) Trauma and Delinquents 6 hours
- (Q) Driver and Secure Transport Safety 8 hours
- (R) DMC- Addressing DMC within the JJ System 2 hours
- (S) Verbal De-escalation for Juvenile Justice 4 hours
- Total Hours 111 hours
- (2) Juvenile Court Counselor Specific:
 - (A) Roles and Responsibilities 8 hours
 - (B) Juvenile Law 8 hours
 - (C) Intake 8 hours
 - (D) Risk and Needs Assessment 4 hours
 - (E) Report Writing and Documentation 12 hours
 - Total Hours 40 hours
 - Total Course Hours 151 hours

(c) The "Juvenile Court Counselor Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training
North Carolina Department of Public Safety
2211 Schieffelin Road
Apex, North Carolina 27502

(d) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is located on the agency's website: http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.

(e) Employees of the Division of Adult Correction and Juvenile Justice who have completed the minimum 151 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position

shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. April 15, 2003; Eff. April 1, 2004; Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014.

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of 151 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a juvenile justice officer.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 8 hours
 - (B) Interpersonal Communication Skills 8 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - (E) Unlawful Workplace Harassment 2 hours
 - (F) Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace 2 hours
 - (G) Staff and Juvenile Relationships 4 hours
 - (H) Gang Awareness 4 hours
 - (I) Situational Awareness and Risk Assessment 4 hours
 - (J) Restraints, Controls, and Defensive Techniques 28 hours
 - (K) Mechanical Restraints 4 hours
 - (L) Mental Health 8 hours
 - (M) CPR 4 hours
 - (N) First Aid 4 hours
 - (O) Employee Fitness and Wellness 4 hours
 - (P) Trauma and Delinquents 6 hours
 - (Q) Driver and Secure Transport Safety 8 hours
 - (R) DMC-Addressing DMC within the JJ System 2 hours
 - (S) Verbal De-escalation for Juvenile Justice 4 hours
 - Total Hours 111 hours

- (2) Juvenile Justice Officer Specific:
 - (A) Treatment Program Operations 4 hours
 - (B) Maintaining Documentation of Activities and Behaviors 8 hours
 - (C) Basic Group Leadership Skills 8 hours

(D)	Effective Behavior Management	10 hours
(E)	Health Services Overview	2 hours
(F)	Contraband and Search Techniques	2 hours
(G)	Suicide Prevention and Response	6 hours
	Total Hours	40 hours
	Total Course Hours	151 hours

(c) The "Juvenile Justice Officer Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Justice Officer basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training
North Carolina Department of Public Safety
2211 Schieffelin Road
Apex, North Carolina 27502

(d) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is located on the agency's website:
http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.

(e) Employees of the Division of Adult Correction and Juvenile Justice who have completed the minimum 151 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014.

12 NCAC 09C .0216 RECOMMENDATION FOR GENERAL INSTRUCTOR CERTIFICATION

(a) The recommendation for General Instructor certification pursuant to Rule 12 NCAC 09B .0303 shall be completed by a School Director or In-Service Training Coordinator after an instructor has finished the required probationary year.

(b) In the form, the official shall recommend that the instructor receive General Instructor certification and certify that the official has observed and evaluated the instructor. The F-12 form used for this recommendation is located on the agency's website:
<http://www.ncdoj.gov/getdoc/f2ea275c-187d-4d7e-825d-98a8662f7443/F-12.aspx>.

History Note: Authority G.S. 17C-6; 150B-11;
January 1, 1981;
Amended Eff. July 1, 2017.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02B .0308 CATAWBA RIVER BASIN

(a) Effective February 1, 1976, the adopted classifications assigned to the waters within the Catawba River Basin are set forth in the Catawba River Basin Schedule of Classifications and Water Quality Standards, which may be inspected at the following places:

- (1) the Internet at <https://deq.nc.gov/river-basin-classification-schedule>; and
- (2) the North Carolina Department of Environmental Quality:
 - (A) Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, North Carolina;
 - (B) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina; and
 - (C) Division of Water Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C."

(c) The Catawba River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977 (see Paragraph (d) of this Rule);
- (2) August 12, 1979 (see Paragraph (e) of this Rule);
- (3) April 1, 1982 (see Paragraph (f) of this Rule);
- (4) January 1, 1985 (see Paragraph (g) of this Rule);
- (5) August 1, 1985 (see Paragraph (h) of this Rule);
- (6) February 1, 1986 (see Paragraph (i) of this Rule);
- (7) March 1, 1989 (see Paragraph (j) of this Rule);
- (8) May 1, 1989 (see Paragraph (k) of this Rule);
- (9) March 1, 1990 (see Paragraph (l) of this Rule);
- (10) August 1, 1990 (see Paragraph (m) of this Rule);
- (11) August 3, 1992 (see Paragraph (n) of this Rule);
- (12) April 1, 1994 (see Paragraph (o) of this Rule);
- (13) July 1, 1995 (see Paragraph (p) of this Rule);
- (14) September 1, 1996 (see Paragraph (q) of this Rule);
- (15) August 1, 1998 (see Paragraph (r) of this Rule);
- (16) April 1, 1999 (see Paragraph (s) of this Rule);
- (17) August 1, 2000 (see Paragraph (t) of this Rule);
- (18) August 1, 2004 (see Paragraph (u) of this Rule);
- (19) May 1, 2007 (see Paragraph (v) of this Rule);
- (20) September 1, 2010 (see Paragraph (w) of this Rule);
- (21) March 1, 2013 (see Paragraph (x) of this Rule); and
- (22) July 1, 2017 (see Paragraph (y) of this Rule).

(d) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1977 as follows:

- (1) Torrence Branch (Index No. 11-136) from source to North Carolina-South Carolina State Line was reclassified from Class D to Class B; and
- (2) Edwards Branch (Index No. 11-137-8-2-1) from source to Brier Creek was reclassified from Class D to Class C.

(e) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 12, 1979 as follows: Unnamed Tributary to Lower Little River (Robinette Creek)(Index No. 11-69-1.5) from source to Lower Little River was reclassified from Class C to Class B.

(f) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1982 as follows:

- (1) Spainhour Creek (Index No. 11-39-3) from source to Lower Creek was reclassified from Class C (1) to Class C; and
- (2) Allen Creek (Index No. 11-129-5-7-2-4) from source to Maiden Creek was reclassified from Class C to Class A-II.

(g) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective January 1, 1985 as follows: Catawba Creek from source to N.C. Highway 275 was reclassified from Class C(1) to Class C.

(h) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1985 as follows:

- (1) Brier Creek (Index No. 11-137-8-2) from source to Little Sugar Creek was reclassified from Class C (1) to Class C;
- (2) Little Hope Creek (Index No. 11-137-8-3) from source to Little Sugar Creek was reclassified from Class C (1) to Class C; and
- (3) McMullen Creek (Index No. 11-137-9-5) from source to N.C. Highway 16 was reclassified from Class C (1) to Class C.

(i) The Schedule of Classification and Water Quality Standards for the Catawba River Basin was amended effective February 1, 1986 with the reclassification of all A-I and A-II streams to WS-I and WS-III in the Catawba River Basin.

(j) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1989 as follows:

Wilson Creek (Index No. 11-38-34) and all tributary waters were reclassified from Class B-trout and Class C-trout to Class B-trout ORW and Class C-trout ORW.

(k) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective May 1, 1989 as follows:

- (1) Henry Fork [Index Nos. 11-129-1-(1) and 11-129-1-(2)] from source to Laurel Creek, including all tributaries, were reclassified from Class WS-I, C and C trout to Class WS-I ORW, C ORW and C trout ORW, except Ivy Creek

and Rock Creek which will remain Class C trout and Class C; and

- (2) Jacob Fork [Index Nos. 11-129-2-(1) and 11-129-2-(4)] from source to Camp Creek, including all tributaries, were reclassified from Class WS-III trout and WS-III to WS-III trout ORW and WS-III ORW.

(l) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1990 as follows:

- (1) Upper Creek [Index No. 11-35-2-(1)] from source to Timbered Branch including all tributaries except Timbered Branch (Index No. 11-35-2-9) was reclassified from Class C Trout to Class C Trout ORW; and
- (2) Steels Creek [Index No. 11-35-2-12(1)] from source to Little Fork and all tributaries was reclassified from Class C Trout to Class C Trout ORW.

(m) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1990 as follows:

- (1) The classification for the portion of Mackey Creek [Index No. 11-15-(2)] from Marion Water Supply Intake to Laurel Fork was reclassified from Class C to Class C HQW;
- (2) Laurel Fork Creek [Index No. 11-15-3] from source to Mackey Creek was reclassified from Class C Tr to Class C Tr HQW;
- (3) Armstrong Creek [Index No. 11-24-14-(1)] from source to Bee Rock Creek was reclassified from Class WS-III Tr to Class WS-III Tr HQW;
- (4) Two segments of Linville River [Index Nos. 11-29-(16) and 11-29-(19)] were reclassified from Class B Tr and Class B to Class B Tr HQW and Class B HQW, respectively;
- (5) Upper Creek [Index No. 11-35-2-(8.5)] and its named tributaries were reclassified from Class C Tr to Class C Tr HQW;
- (6) Upper Creek (Clear Water Beach Lake) [Index No. 11-35-2-(10)] from Holly Spring Branch to Dam Clear Water Beach Lake was reclassified from Class B Tr to Class B Tr HQW;
- (7) Holly Spring Branch [Index No. 11-35-2-11] from source to Upper Creek was reclassified from Class C Tr to Class Tr HQW;
- (8) Steels Creek [Index No. 11-35-2-12-(5)] from Little Fork to a point 1.7 miles upstream from N.C. Highway 181 Bridge was reclassified from Class B Tr to Class B Tr HQW and Steels Creek [Index No. 11-35-2-12-(7)] from a point 1.7 miles upstream from N.C. Highway 181 bridge to Clear Water Beach Lake, Upper Creek was reclassified from Class B to Class B HQW;
- (9) Upper Creek [Index No. 11-35-2-(13)] from Dam at Clear Water Beach Lake to Warrior Fork was reclassified from Class WS-III Tr to Class WS-III Tr HQW;

- (10) The portion of Johns River [Index No. 11-38-(28)] from Wilson Creek to Rhodhiss Lake, Catawba River was reclassified from Class C to Class C HQW;
- (11) Mulberry Creek [Index No. 11-38-32-(1)] from source to Boone Fork and its tributaries Left Fork Mulberry Creek [Index No. 11-38-32-2], Right Fork Mulberry Creek [Index No. 11-38-32-3], Roaring Creek [Index No. 11-38-32-8] and Clark Branch [Index No. 11-38-32-10] were reclassified from Class C Tr to Class C Tr HQW;
- (12) Amos Creek [Index No. 11-38-32-4] and Mills Creek [Index No. 11-38-32-5] and their named tributaries were reclassified from Class C to Class C HQW;
- (13) Cane Branch [Index No. 11-38-32-6], Rush Branch [11-38-32-7] and Frankum Creek [11-38-32-9] and its named tributaries were reclassified from Class C to Class C HQW;
- (14) Mulberry Creek [Index No. 11-38-32-(11)] from Boone Branch to Dam at Mulberry Beach was reclassified from Class B to Class B HQW;
- (15) Boone Branch (Fork) [Index No. 11-38-32-12] and its named tributaries from source to Mulberry Creek were reclassified from Class B to Class B HQW;
- (16) Brown Branch [Index No. 11-38-32-13] and Moore Branch [Index No. 11-38-32-14] were reclassified from Class B to Class B HQW; and
- (17) Anderson Creek [Index No. 11-38-32-16] was reclassified from Class C to Class C HQW.

(n) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .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.

(o) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1994 as follows:

- (1) Friday Lake (Index No. 11-125.5) from its source to Little Paw Creek was reclassified from Class C to Class B; and
- (2) The Linville River [Index No. 12-29-(1)] from Grandmother Creek to Linville Falls was reclassified from Class C Tr to Class B Tr.

(p) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective July 1, 1995 with the reclassification of Clark Creek from a point 0.6 mile downstream of Catawba County SR 2014 to 0.4 mile upstream of

Larkard Creek [Index No. 11-129-5-(4.5)], and Howards Creek from its source to 0.7 mile upstream of Lincoln County State Road 1200 [Index No. 11-129-4], including associated tributaries from Class WS-IV to Classes C and WS-IV.

(q) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective September 1, 1996 as follows:

- (1) North Fork Catawba River [Index No. 11-24-(1)] from Laurel Branch to Armstrong Creek from Class C Tr to Class B Tr; and
- (2) Catawba River (Lake Hickory) from Rhodhiss dam to highway 321 [Index No. 11-(51)] from Class WS-IV CA to Class WS-IV B CA.

(r) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1998 as follows:

- (1) The primary classification for portions of South Fork Catawba River [Index No. 11-129-(0.5)] and Hoyle Creek [Index No. 11-129-15-(1)] was reclassified from Class WS-IV to Class WS-V;
- (2) Mill Creek [Index No. 11-7] from its source to Swannanoa Creek, including all tributaries, from Class C Tr to Class Tr HQW;
- (3) Toms Creek [Index Nos. 11-21-(1) and 11-21-(2)] from its source to Harris Creek, including all tributaries were reclassified from Class C Tr to Class Tr HQW; and
- (4) Harris Creek to McDowell County SR 1434, including all tributaries were reclassified from Class C to Class HQW.

(s) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1999 as follows:

- (1) Portion of the Catawba River [Index Nos. 11-(27.5) and 11-(31)] from Class WS-IV B and WS-IV to Class WS-V B and WS-V;
- (2) Armstrong Creek [Index Nos. 11-24-14-(1), 11-24-14-(13.5) and 11-24-14-(14)], and all tributaries from Classes WS-II Tr, WS-II, WS-II CA and C Tr to Classes C Tr HQW and C HQW;
- (3) Lookout Shoals Lake from Oxford Dam to Island Creek [Index No. 11-(67)] from Class WS-V to Class WS-IV CA, from Island Creek to Elk Shoal Creek [Index No. 11-(70.5)] from Class WS-IV to Class WS-IV CA and from Elk Shoal Creek to a point one half mile upstream of Lookout Shoals Dam [Index No. 11-(72)] from Class WS-IV B to Class WS-IV B CA;
- (4) The classifications of tributary streams that are within five miles and draining to the normal pool elevation of Lookout Shoals Lake (Protected Area) have been revised to Class WS-IV; and
- (5) The classifications of tributary streams that are within one half mile and draining to the normal pool elevation of Lookout Shoals Lake (Critical Area) have been revised to Class WS-IV CA.

(t) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2000 with the reclassification of Little Grassy Creek (Index No. 11-29-2), including all tributaries, from its source to the Linville River from Class C Tr to Class C Tr ORW.

(u) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2004 with the reclassification of a segment of three surface waters, more specifically Henry Fork [11-129-1-(1)], Jerry Branch [11-129-1-3-(1)], and He Creek [11-129-1-4-(1)], from source to a formerly used City of Morganton Water Intake from Class WS-I ORW to Class WS-V ORW.

(v) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended May 1, 2007 with the reclassification of the Catawba River [Index No. 11-(31.5)] from a point 0.6 mile upstream of Muddy Creek to a point 1.2 miles upstream of Canoe Creek from WS-IV to WS-IV Tr and Catawba River [Index No. 11-(32.3)] from a point 1.2 miles upstream of Canoe Creek to a point 0.7 mile upstream of Canoe Creek (Morganton water supply intake) from WS-IV CA to WS-IV Tr CA. Named and unnamed tributaries to this portion of the Catawba River are not classified as Trout. Between the last day of May and the first day of November the water quality standard for dissolved oxygen shall not be less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l.

(w) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended September 1, 2010 with the reclassification of the portion of the Catawba River [Index No. 11-(1)], from its source to the Left Prong Catawba River confluence, and its named tributaries, Chestnut Branch (Fork) [Index No. 11-2], Clover Patch Branch [Index No. 11-3], Youngs Fork Creek [Index No. 11-4], Spring Branch [Index No. 11-5], and Left Prong Catawba River [Index No. 11-6] from Class C Tr to Class C Tr HQW.

(x) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended March 1, 2013 as follows:

- (1) the portion of Maiden Creek [Index No. 11-129-5-7-2-(1)] from source to a point 0.7 mile upstream from backwaters of Maiden Reservoir, and its named tributary, Bee Branch [Index No. 11-129-5-7-2-2], from Class WS-II HQW to WS-V;
- (2) the portion of Maiden Creek [Index No. 11-129-5-7-2-(2.5)] from a point 0.7 mile upstream from backwaters of Maiden Reservoir to dam at Maiden Reservoir from Class WS-II HQW CA to WS-V;
- (3) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(1)] from source to a point 0.7 mile upstream of Maiden water supply intake from Class WS-II HQW to WS-V; and
- (4) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(2)] from a point 0.7 mile upstream of Maiden water supply intake to Maiden water supply intake from Class WS-II HQW CA to WS-V.

(y) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended July 1, 2017 as follows:

- (1) a portion of the Catawba River [Index No. 11-(23)], including tributaries, from Bridgewater Dam to North Fork Catawba River from Class WS-V & B to Class WS-IV CA & B, and a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from North Fork Catawba River to a point 0.75 mile downstream of SR 1501 from Class C to Class WS-IV CA. The CA extends 0.5 mile from and draining to the normal pool elevation of Lake James.
- (2) a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from a point 0.75 mile downstream of SR 1501 to a point 0.21 mile upstream of I-221 from Class C to Class WS-IV. The PA extends 5.0 miles from and draining to the normal pool elevation of Lake James.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. July 1, 2017; March 1, 2013; December 1, 2010; September 1, 2010; May 1, 2007; August 1, 2004; August 1, 2000; April 1, 1999; August 1, 1998; September 1, 1996; July 1, 1995; April 1, 1994; August 3, 1992; August 1, 1990.

15A NCAC 07L .0101 AUTHORITY
15A NCAC 07L .0102 PURPOSE

History Note: Authority G.S. 113A-112; 113A-124;
Eff. September 1, 1978;
Amended Eff. March 1, 2016; August 1, 2002; October 1, 1991; June 1, 1980;
Repealed Eff. July 1, 2017.

15A NCAC 07L .0503 PRIORITIES FOR FUNDING PLANNING AND MANAGEMENT PROJECTS

(a) The Department of Environmental Quality (DEQ) program provides funding for coastal planning and management projects to assist local governments in the 20 counties as defined in G.S. 113A-103(2) in the refining and implementing of plans and management strategies for their coastal resources. In funding local planning and management grants, DEQ shall select projects that address Coastal Resources Commission (CRC) management goals pursuant to 15A NCAC 07B .0702(d)(2) or topics contained within Subparagraphs (a)(1) through (6) of this Rule. Priority management topics shall be designated on an annual basis following consultation with the CRC. Projects may include education and outreach, planning efforts, improvements in intergovernmental coordination, research or studies, and the development of local ordinances. Projects shall be focused on coastal resources or issues, related to coastal concerns, and shall not violate State or Federal law. Projects selected for funding shall further the CRC's goals for the following designated topics:

- (1) Public Access: Maximize public access to the beaches and the public trust waters of the coastal region.
- (2) Land Use Compatibility: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoid risks to public health, safety, and welfare.
- (3) Infrastructure Carrying Capacity: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected or restored.
- (4) Natural Hazards: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection function and their natural resources giving recognition to public health, safety, and welfare issues.
- (5) Habitat Enhancement: Maintain, protect, and enhance coastal habitats.
- (6) Other Topics or Special Issues: developed areas and working waterfronts, urban waterfront revitalization, economic growth and development, redevelopment and revitalization, recreation and tourism, historic and cultural resources, public trust rights, water use and water quality, stormwater management, erosion control, shoreline protection and management, open space, parks and recreation, storm recovery, farmland preservation and management, stakeholder and citizen participation, and transportation.

(b) DEQ shall take into consideration the following factors listed in order of importance to establish priorities for individual projects:

- (1) a project's contribution towards meeting CRC's prioritized management topics and associated management goals pursuant to 15A NCAC 07B .0702(d)(2) or topics contained in Subparagraphs (a)(1) through (6) of this Rule;
- (2) the extent to which the project includes measures of environmental protection beyond the Areas of Environmental Concern (AEC) standards of Subchapter 15A NCAC 07H;
- (3) the applicant's urgency of need;
- (4) the history of applicant's implementation of planning and management grant program activities, if any;
- (5) the feasibility of completion of the project as described by the applicant;
- (6) the applicant's experience with land use planning and implementation projects, as well as present management and administrative capabilities as described by the applicant;
- (7) the applicability of the project to other coastal area municipalities and counties; and
- (8) the geographic distribution of applicants.

(c) Matching fund requirements are based on the North Carolina Department of Commerce's Tier designations, as outlined by G.S. 143B-437.08. Local government contributions for planning and management projects shall be at least 25 percent of the project costs. However, Tier 1 designated counties and their respective municipalities shall have a local government contribution of at least 10 percent of the project costs. At least one half of the local contribution shall be cash match; the remainder may be in-kind match.

(d) Any local government whose plan is not certified by the CRC due to failure to meet the criteria listed in 15A NCAC 07B or that has not submitted the most recent required periodic Implementation Status Report as described in 15A NCAC 07B .0804, shall not receive further funding under this program until these inconsistencies are corrected.

*History Note: Authority G.S. 113A-112; 113A-124;
Eff. August 1, 2002;
Amended Eff. July 1, 2017; March 1, 2016.*

TITLE 18 - DEPARTMENT OF THE SECRETARY OF STATE

18 NCAC 12 .0214 SIGNATURE AND EXECUTION UNDER OATH OF AN ELECTRONICALLY FILED DOCUMENT

A document submitted to the Department for which notarization is required may be filed electronically if:

- (1) The document is electronically notarized pursuant to Article 2 of Chapter 10B of the General Statutes;
- (2) The document is submitted without an electronic notarization pursuant to Article 2 of Chapter 10B of the General Statutes and an affidavit containing the information required by Rule .0215 of this Section is delivered to the Department within seven days or postmarked within seven days after the document is electronically filed; or
- (3) The document is submitted without an electronic notarization pursuant to Article 2 of Chapter 10B of the General Statutes and the original, paper, signed, and notarized document is maintained in the filer's own records for three years as required by Rule .1301 of this Chapter.

*History Note: Authority G.S. 10B-115; 14-209; 66-312(9); 120C-101(a); 120C-200; 120C-206; 120C-400; 120C-401; 120C-600; 120C-800;
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Amended Eff. July 1, 2017.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

19A NCAC 02D .0818 NON-COLLUSION CERTIFICATIONS

(a) Every bidder shall furnish to the Department an unsworn certification made under penalty of perjury under the laws of the United States, a non-collusion certification at the time of bid, certifying that the bidder has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with his or her bid on the project.

(b) A Non Collusion Certification form means a form provided on the Department's website, www.ncdot.gov, for execution by the bidding prequalified contractor certifying that:

- (1) neither the individual, nor any official, agent, or employee has entered into any agreement, participated in any collusion, or otherwise taken any action that is in restraint of free competitive bidding in connection with any bid or contract;
- (2) the bidder has not been convicted of violating G.S. 133-24 within the last three years; and
- (3) the bidder intends to do the work with its own employees or subcontractors and the bid is not for the benefit of another contractor.

(c) In the Non Collusion Certification form, the prospective bidder shall certify his or her debarment status under penalty of perjury under the laws of the United States. In the event the prospective bidder cannot certify that he or she is not disbarred, the prospective bidder shall provide a written explanation, which the Department shall review and evaluate to determine if the bidder is prequalified, according to the requirements set out in Rule .0801 of this Section, for bidding, contracting, or subcontracting on Department projects.

History Note: Authority G.S. 136-18(1); 136-28.1; 133-30; Eff. April 3, 1981; Recodified from 19A NCAC 2D .0816; Amended Eff. July 1, 2017; February 1, 2008; October 1, 1993; November 1, 1991; October 1, 1991; July 1, 1982.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

21 NCAC 32A .0104 MEETINGS

The Board meets at scheduled intervals to carry out Board business. Other meetings may be called by the President of the Board or upon written request of the majority of the members of the Board.

History Note: Authority G.S. 90-5; 90-5.1; Eff. February 1, 1976; Amended Eff. May 1, 1990; May 1, 1989; Readopted Eff. July 1, 2017.

21 NCAC 32A .0111 REQUEST FOR DECLARATORY RULING

(a) All requests for declaratory rulings shall be written and mailed to the Board at 1203 Front Street, Raleigh, North Carolina 27609.

The envelope containing the request shall bear the notation: "REQUEST FOR DECLARATORY RULING."

(b) Each Request for Declaratory Ruling shall include the following information:

- (1) the name and address of the person requesting the ruling;
- (2) the statute or rule to which the request relates;
- (3) a concise statement of the manner in which the requesting person is affected by the statute or rule or its potential application to that person;
- (4) a statement whether an oral hearing is desired and, if so, the reason.

History Note: Authority G.S. 90-5.1; 150B-4; Eff. February 1, 2007; Readopted Eff. July 1, 2017.

21 NCAC 32K .0101 DEFINITIONS

In addition to the terms set forth in G.S. 90-21.22, the following definitions apply to this Subchapter:

- (1) "Compliance Committee" means the committee that meets to coordinate with the Board in its oversight of licensees in the Program. It includes members of the Program Board of Directors, members appointed by the Board, and a Physician Assistant member of the Program Board of Directors. The Board shall not appoint to the Compliance Committee a current member of the Board or a past member who has served on the Board within the past two years.
- (2) "Impairment" means the inability to practice medicine or perform acts, tasks, and functions with skill and safety to patients by reasons of physical or mental illness or condition, including use of alcohol, drugs, chemicals, or any other type of material.
- (3) "Impaired Practitioner" means a licensee of the Board who is or could be afflicted with a condition of impairment as defined in Item (2) of this Rule.
- (4) "Licensee" means a person licensed by the Board.
- (5) "Chief Executive Officer" means the person employed by the Program to coordinate the activities of the Program.
- (6) "Participant" means a licensee of the Board who is permitted to participate and may receive services from the Program.

History Note: Authority G.S. 90-21.22; Eff. August 1, 1988; Amended Eff. April 1, 2009; May 1, 1989; Readopted Eff. July 1, 2017.

21 NCAC 32K .0201 RECEIPT AND USE OF INFORMATION OF POTENTIAL IMPAIRMENT

Information concerning a Participant may be received by the Program through reports from any source. Upon receipt of

information of a potential impairment, the Program shall conduct a screening interview of the Participant. This screening interview shall not create a physician-patient or other clinical relationship. The Program may conduct routine inquiries regarding potential impairments. Participants shall submit to interviews with Program staff. Records relating to the Participant's involvement with the Program shall not be medical records.

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0202 ASSESSMENT AND REFERRAL
When an initial screening interview reveals that assessment, treatment, or monitoring is indicated, the Program shall advise the Participant and referral source of the findings and recommendations. The Program shall develop a plan designed to ensure that the Participant is safe to practice.

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0203 MONITORING TREATMENT SOURCES
The Program shall monitor the cost of treatment. Treatment sources receiving referrals from the Program also shall be monitored as to their ability to provide:

- (1) medical and non-medical staffing;
- (2) treatment;
- (3) facilities; and
- (4) post-treatment support.

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0204 MONITORING REHABILITATION AND PERFORMANCE

- (a) If a Participant is referred to the Program by the Board, and if the Program finds that treatment or monitoring are appropriate, the Program shall ask the Participant to sign a monitoring contract. If the Participant chooses not to sign a monitoring contract, the Program shall refer the Participant to the Board.
- (b) If a Participant is self-referred to the Program, and if the Program finds that treatment or monitoring are appropriate, the Program shall ask the Participant to sign a monitoring contract. The Program shall report the Participant to the Board as required by G.S. 90-21.22.
- (c) Participants shall submit urine or other bodily specimens if requested by the Program.
- (d) Participants shall submit to periodic interviews with the Program staff.
- (e) Participants shall sign releases allowing their treatment providers, employers, or other individuals assigned by the Program to monitor the Participant in the workplace to submit

reports regarding the Participant's rehabilitation and performance to the Program and to the Board if the Participant is known to the Board. Participants shall ensure the reports are provided to the Program and the Board if the Participant is known to the Board. The Program shall maintain case records for each Participant.

(f) When appropriate the Program shall require Participants to engage in post-treatment support. Post-treatment support includes family counseling, advocacy, after care support groups, self-help groups and other services and programs to improve recoveries. The Program shall monitor post-treatment support.

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0205 MONITORING POST-TREATMENT SUPPORT

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Repealed Eff. July 1, 2017.*

21 NCAC 32K .0206 REPORTS OF INDIVIDUAL CASES TO THE BOARD
The Program shall submit a report to the Board on a bi-monthly basis regarding the status of all Participants known to the Board. The Program shall report immediately to the Board information about any licensee as required under G.S. 90-21.22(d).

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0207 PERIODIC REPORTING OF STATISTICAL INFORMATION
On a quarterly basis and upon request by the Board, the Program shall provide statistical and demographic information concerning potential impairments, existing impairments, self-referrals, post-treatment support, and other demographic and substantive information collected through Program operations.

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. April 1, 2009; May 1, 1989;
Readopted Eff. July 1, 2017.*

21 NCAC 32K .0208 CONFIDENTIALITY

*History Note: Authority G.S. 90-21.22;
Eff. August 1, 1988;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2017.*

21 NCAC 32K .0209 REVIEW COMMITTEE

(a) A Review Committee exists for Participants to request reconsideration of Program staff findings and recommendations in the following areas:

- (1) General nature of diagnosis;
- (2) Need for additional assessment beyond Program;
- (3) Need for treatment;
- (4) Need for monitoring by Program; or
- (5) Closure of file or loss of Program advocacy;

(b) The Review Committee shall have three primary members and three alternate members. The Program Executive Committee shall nominate all potential members. The Program Board of Directors shall appoint members to the Review Committee. Review Committee members shall not be current members of the Program Compliance Committee, the Program Board of Directors, or the North Carolina Medical Board, nor shall they have served in those organizations within two years of their appointment to the Review Committee.

(c) Two primary Review Committee members shall be clinicians, including one physician and one person with relevant clinical experience with substance use disorders. One Review Committee member, either primary or alternate, shall be a physician assistant.

(d) A Participant who wishes to challenge one of the matters included in Paragraph (a) of this Rule shall deliver to the Chair of the Board of Directors a written request for review of the matter within ten days of being notified of the matter giving rise to the disagreement. Prior to the Review Committee considering the request, the Participant shall:

- (1) Sign a release allowing Program staff to share all information with Review Committee members;
- (2) Agree to abide by the finding of the Review Committee;
- (3) Agree that all decisions by the Review Committee shall be final; and
- (4) Sign a form releasing Program and the Review Committee from legal liability for activities conducted in good faith consistent with the provisions of G.S. 90-21.22(f).

(e) At any time prior to the Review Committee undertaking the request for reconsideration, the Participant and Program staff may attempt to resolve the disagreement prior to the Review Committee meeting.

(f) The Chair of the Board of Directors shall empanel the three primary members of the Review Committee to act on the request for reconsideration. In the event one or more primary members are not available, the Chair of the Board of Directors shall select from the alternate members to constitute a panel of three members.

(g) The Review Committee shall meet and the Participant and Program staff shall appear by teleconference within 30 days after receipt of the written request for reconsideration.

- (1) At least five days prior to the teleconference meeting, Program staff and the Participant shall furnish to each other and to the Review Committee any materials they would like the Review Committee to consider. However, information provided to the Program from the

Board regarding a Participant shall be provided pursuant to G.S. 90-16(c), and the information, including reports of investigation and attachments thereto, shall remain confidential and shall not be provided to the Participant.

(2) The teleconference shall last no more than one hour.

(3) If the Participant is a physician assistant, a physician assistant member of the Review Committee shall be included in the Review Committee.

(4) The Review Committee, Participant, and Program staff shall announce the names of all persons present on the phone call prior to the teleconference commencing. The Participant shall be allowed not less than 15 minutes to make a presentation followed by questions of the Participant and Program staff by Review Committee members. A Participant is permitted to be represented by counsel, and that counsel may participate in the meeting. The Review Committee process is not a legal or quasi-judicial proceeding and shall not be governed by the Rules of Evidence, Rules of Civil Procedure, or the Administrative Procedures Act. Participant and Program staff have no right to question or examine Program staff or Participant. Participant and Program staff have no right to question or examine Review Committee members.

(5) After the presentation and questioning, the Review Committee shall discuss the request for reconsideration without the presence of the Participant or Program staff. After completing the discussion, the Review Committee shall announce its decision.

(6) The Review Committee shall choose among the assessment, treatment, and monitoring options provided by Program staff and the Participant. The Review Committee shall not consider options for assessment, treatment, or monitoring not provided by Program staff or the Participant, unless new information is provided to the Review Committee.

(7) The Review Committee shall reduce its decision to writing and provide a copy of its written decision to the Participant and Program staff within five business days.

(8) The Review Committee's decision shall be binding upon the Program and the Participant.

(9) The Program staff shall make an official recording of the teleconference meeting and preserve the recording. The Participant shall be allowed to make a recording of the meeting.

(h) After completion of the review, new or additional review requests may be made by the Participant if there are new findings or recommendations by the Program regarding the Participant.

History Note: Authority G.S. 90-21.22;

Eff. July 1, 2017.

21 NCAC 32M .0111 METHOD OF IDENTIFICATION

When providing care to the public, the nurse practitioner shall identify herself or himself as specified in G.S. 90-640 and 21 NCAC 36 .0231.

History Note: Authority G.S. 90-18(14); 90-640;

Eff. January 1, 1991;

Recodified from 21 NCAC 32M .0108 Eff. January 1, 1996;

Amended Eff. August 1, 2004; May 1, 1999; January 1, 1996;

Recodified from Rule .0110 Eff. August 1, 2004;

Readopted Eff. July 1, 2017.

21 NCAC 32Y .0101 REPORTING CRITERIA

(a) The Department of Health and Human Services ("Department") may report to the North Carolina Medical Board ("Board") information regarding the prescribing practices of those physicians and physician assistants ("prescribers") whose prescribing:

- (1) falls within the top two percent of those prescribing 100 morphine milligrams equivalents ("MME") per patient per day; or
- (2) falls within the top two percent of those prescribing 100 MME's per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.

(b) In addition, the Department may report to the Board information regarding prescribers who have had two or more patient deaths in the preceding twelve months due to opioid poisoning where the prescribers authorized more than 30 tablets of an opioid to the decedent and the prescriptions were written within 60 days of the patient deaths.

(c) The Department may submit these reports to the Board upon request and may include the information described in G.S. 90-113.73(b).

(d) The reports and communications between the Department and the Board shall remain confidential pursuant to G.S. 90-16 and G.S. 90-113.74.

History Note: Authority G.S. 90-5.1; 90-113.74;

Eff. May 1, 2015;

Amended Eff. July 1, 2017.

CHAPTER 58 - REAL ESTATE COMMISSION

21 NCAC 58A .1703 CONTINUING EDUCATION FOR LICENSE ACTIVATION

(a) A broker requesting to change an inactive license to active status on or after the broker's second license renewal following his or her initial licensure shall have completed the continuing education as described in Paragraph (b) of this Rule.

(b) If the inactive broker's license has not been on active status since the preceding July 1 and the broker has a deficiency in his or her continuing education record for the previous license period, the broker shall make up the deficiency and satisfy the continuing education requirement pursuant to Rule .1702 of this Section for the current license period in order to activate the license. Any deficiency may be made up by completing, during the current license period or previous license period, approved continuing education elective courses; however, such courses shall not be credited toward the continuing education requirement for the current license period. When crediting elective courses for purposes of making up a continuing education deficiency, the maximum number of credit hours that will be awarded for any course is four hours.

History Note: Authority G.S. 93A-3(c); 93A-4.1;

Eff. July 1, 1994;

Amended Eff. July 1, 2017; April 1, 2006; July 1, 2000; July 1, 1995.

This Section contains information for the meeting of the Rules Review Commission August 17, 2017 at 1711 New Hope Church Road, RRC Commission 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 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS**Appointed by Senate**

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran

COMMISSION COUNSEL

Abigail Hammond	(919)431-3076
Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

August 17, 2017	September 21, 2017
October 19, 2017	November 16, 2017

AGENDA**RULES REVIEW COMMISSION****THURSDAY, AUGUST 17, 2017 10:00 A.M.****1711 New Hope Church Rd., Raleigh, NC 27609**

- 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. Follow-up matters
 - A. Commission for Mental Health, Developmental Disabilities and Substance Abuse Services - 10A NCAC 27H .0202, .0203, .0204, .0205, .0206 (May)
 - B. Department of Insurance - 11 NCAC 05A .0501, .0505, .0508, .0511 (Hammond)
 - C. Social Services Commission - 10A NCAC 70I .0101, .0201, .0202, .0302, .0305, .0306, .0308, .0405, .0503, .0504, .0506, .0601, .0604, .0609, .0613, .0614 (Reeder)
 - D. Social Services Commission - 10A NCAC 97B .0401, .0402, .0403; 97C .0104, .0106, .0108, .0109, .0111 (Reeder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed June 21, 2017 through July 20, 2017
 - Pre-Reviewed Rules
 - Tobacco Trust Fund Commission (Hammond)
 - Department of Natural and Cultural Resources (May)
 - Department of Public Safety - Boxing Authority (Reeder)
 - Board of Funeral Service (Hammond)
 - Non Pre-Reviewed Rules
 - Department of Administration (Thomas)
 - Board of Agriculture (Thomas)
 - Department of Commerce - Division of Employment Security (Hammond)
 - Child Care Commission (May)
 - Environmental Management Commission (Thomas)
 - Coastal Resources Commission (Thomas)

- Cemetery Commission (Thomas)
- Board of Examiners of Electrical Contractors (Thomas)
- Building Code Council (Reeder)

V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting

VI. Existing Rules Review

- Review of Reports
 1. 04 NCAC 12 – Department of Environmental Quality (Thomas)
 2. 04 NCAC 22 – Apprenticeship and Training Council (Reeder)
 3. 10A NCAC 70A - Social Services Commission (Thomas)
 4. 10A NCAC 70B - Social Services Commission (Thomas)
 5. 10A NCAC 70C - Social Services Commission (Thomas)
 6. 10A NCAC 70D – Social Services Commission (Thomas)
 7. 10A NCAC 70E - Social Services Commission (Thomas)
 8. 10A NCAC 70F - Social Services Commission (Thomas)
 9. 10A NCAC 70G - Social Services Commission (Thomas)
 10. 10A NCAC 70H - Social Services Commission (Thomas)
 11. 10A NCAC 70J - Social Services Commission (Thomas)
 12. 10A NCAC 70L - Social Services Commission (Thomas)
 13. 10A NCAC 70N - Social Services Commission (Thomas)
 14. 10A NCAC 70O - Social Services Commission (Thomas)
 15. 14B NCAC 17- NC Alarm Systems Licensing Board (Thomas)
 16. 21 NCAC 57- NC Appraisal Board (Thomas)
- Readoption
 17. 21 NCAC 17 - Board of Dietetics/Nutrition (Hammond)
- Not Scheduled for Review this month
 18. 21 NCAC 46 - Board of Pharmacy (Reeder)

VII. Commission Business

- Next meeting: Thursday, September 21, 2017

**Commission Review
Log of Permanent Rule Filings
June 21, 2017 through July 20, 2017**

ADMINISTRATION, DEPARTMENT OF

The rules in Chapter 04 concern auxiliary services.

The rules in Subchapter 04A concern state-owned parking lots including penalties (.0200); definitions (.0700); state-owned visitor parking lots admittance procedures (.0800); and parking violations (.0900).

<u>Impoundment and Removal</u>	01	NCAC 04A	.0201
Readopt without Changes/*			

AGRICULTURE, BOARD OF

The rules in Chapter 37 concern agronomic services.

<u>Soil Testing Service</u>	02	NCAC 37	.0201
Readopt without Changes/*			
<u>Plant Analysis Service</u>	02	NCAC 37	.0202
Amend/*			

TOBACCO TRUST FUND COMMISSION

The rules in Chapter 57 are from the tobacco trust fund commission and concern general provisions (.0100); compensatory program grants (.0200); and qualified agricultural program grants (.0300).

<u>Policy</u>	02	NCAC	57	.0101
Amend/*				
<u>Authorization</u>	02	NCAC	57	.0102
Repeal/*				
<u>Definitions</u>	02	NCAC	57	.0103
Amend/*				
<u>Purpose</u>	02	NCAC	57	.0201
Repeal/*				
<u>Types of Programs</u>	02	NCAC	57	.0202
Repeal/*				
<u>Eligibility to Receive Grants</u>	02	NCAC	57	.0203
Repeal/*				
<u>Applications for Grants</u>	02	NCAC	57	.0204
Amend/*				
<u>Special Information Needed for Direct Compensatory Programs</u>	02	NCAC	57	.0205
Amend/*				
<u>Review of Proposals</u>	02	NCAC	57	.0207
Amend/*				
<u>Award of Grants</u>	02	NCAC	57	.0208
Amend/*				
<u>Reporting</u>	02	NCAC	57	.0209
Amend/*				
<u>Policies Governing Compensatory Programs</u>	02	NCAC	57	.0210
Repeal/*				
<u>Purpose</u>	02	NCAC	57	.0301
Repeal/*				
<u>Eligibility to Receive Grants</u>	02	NCAC	57	.0302
Repeal/*				
<u>The Primary Beneficiary</u>	02	NCAC	57	.0303
Repeal/*				
<u>Applications for Grants</u>	02	NCAC	57	.0304
Repeal/*				
<u>Review of Proposals</u>	02	NCAC	57	.0306
Repeal/*				
<u>Award of Grants</u>	02	NCAC	57	.0307
Repeal/*				
<u>Reporting</u>	02	NCAC	57	.0308
Repeal/*				
<u>Policies Governing Qualified Agricultural Program Grants</u>	02	NCAC	57	.0309
Repeal/*				

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

The rules in Subchapter 24A concern general information (.0100); requests for documents and public records unrelated to contested claim (.0200); and petitions for rulemaking (.0300).

<u>Address Changes and Electronic Address Changes</u>	04	NCAC	24A	.0102
Amend/*				
<u>Addresses for Notice and Electronic Notice</u>	04	NCAC	24A	.0103
Amend/*				

<u>Addresses for Filing Claims, Appeals, Exceptions, Request...</u> Amend/*	04	NCAC	24A	.0104
<u>Definitions</u> Amend/*	04	NCAC	24A	.0105
<u>Power of Attorney</u> Amend/*	04	NCAC	24A	.0109
<u>Limitation on Authority Granted by Power of Attorney</u> Adopt/*	04	NCAC	24A	.0110

The rules in Subchapter 24B concern benefits including claims for unemployment insurance benefits (.0100); interstate claims (.0200); work search requirements (.0300); adjudication (.0400); labor disputes (.0500); unemployment insurance benefit overpayments (.0600); request for waiver of overpayment (.0700); interstate overpayment recovery (.0800); setoff debt collection act (.0900); treasury offset program (.1000); national directory of new hires (.1100).

<u>Request for Separation Information from Employer</u> Amend/*	04	NCAC	24B	.0402
<u>Notice Requirement for Overpayment</u> Amend/*	04	NCAC	24B	.0601
<u>NDNH Claimant Notice</u> Adopt/*	04	NCAC	24B	.1101
<u>NDNH Employer Notice</u> Adopt/*	04	NCAC	24B	.1102
<u>Claimant Response for Employment and Wage Information</u> Adopt/*	04	NCAC	24B	.1103
<u>Employer Response to Request for Employment and Wage Info...</u> Adopt/*	04	NCAC	24B	.1104

The rules in Subchapter 24C concern initial appeals from determination and higher authority review including general initial appeals information (.0100); initial appeals hearing (.0200); legal representation for initial appeals (.0300); subpoenas for initial appeals (.0400); higher authority review of appeals decision (.0500); and post-decision relief (.0600).

<u>Appeals Hearing Notice</u> Amend/*	04	NCAC	24C	.0204
<u>Telephone Hearings</u> Amend/*	04	NCAC	24C	.0205

The rules in Subchapter 24D concern tax administration including account charge protests (.0100); request for noncharging of benefits payments (.0200); adequacy (.0300); voluntary election and payments (.0400); records (.0500); reports (.0600); transfer of experience rating to related entity successor account (.0700); agreements to compromise (.0800); special tax investigations (.0900); requests and hearings to review and redetermine tax rate (.1000); tax liability hearings (.1100); seasonal pursuits (.1200); collection methods of employer debt (.1300); and records (.1400).

<u>Requirements for Requesting Noncharging of Benefit Payments</u> Amend/*	04	NCAC	24D	.0103
<u>Requirements for Filing Protests to List of Charges</u> Amend/*	04	NCAC	24D	.0202
<u>Grounds for Protesting List of Charges</u> Amend/*	04	NCAC	24D	.0203
<u>Determination on Grounds Contained in Protest</u> Amend/*	04	NCAC	24D	.0205
<u>Adequacy Threshold Determination</u> Amend/*	04	NCAC	24D	.0302
<u>Adequacy Penalty Determination</u> Amend/*	04	NCAC	24D	.0303
<u>Appealing Adequacy Penalty Determination</u> Amend/*	04	NCAC	24D	.0304

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

The rules in Subchapter 2H concern library services including the government and heritage library (.0100); the state depository library system (.0200); and the library for the blind and physically handicapped (.0300).

<u>Borrowing Privileges</u>	07	NCAC	02H	.0107
Adopt/*				
<u>Registration</u>	07	NCAC	02H	.0108
Adopt/*				
<u>Restriction and Suspension of Privileges</u>	07	NCAC	02H	.0109
Adopt/*				

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); and NC pre-kindergarten services (.3000).

<u>Definitions</u>	10A	NCAC	09	.0102
Readopt with Changes/*				
<u>Inspections</u>	10A	NCAC	09	.0201
Readopt with Changes/*				
<u>Changes Requiring Issuance of a New License</u>	10A	NCAC	09	.0204
Readopt with Changes/*				
<u>Parental Access</u>	10A	NCAC	09	.0205
Readopt with Changes/*				
<u>Pre-Licensing Requirements</u>	10A	NCAC	09	.0301
Readopt with Changes/*				
<u>Application for a License for a Child Care Facility</u>	10A	NCAC	09	.0302
Readopt with Changes/*				
<u>On-Going Requirements for a License</u>	10A	NCAC	09	.0304
Readopt with Changes/*				
<u>Temporary Licenses for Centers</u>	10A	NCAC	09	.0403
Readopt with Changes/*				
<u>Activity Schedules and Plans</u>	10A	NCAC	09	.0508
Readopt with Changes/*				
<u>Learning Environment</u>	10A	NCAC	09	.0509
Readopt with Changes/*				
<u>Activity Areas</u>	10A	NCAC	09	.0510
Readopt with Changes/*				
<u>Activities for Children Under Two Years of Age</u>	10A	NCAC	09	.0511
Readopt with Changes/*				
<u>Safe Environment</u>	10A	NCAC	09	.0601
Readopt with Changes/*				

<u>Condition of Indoor Equipment and Furnishings</u> Repeal/*	10A	NCAC	09	.0602
<u>Overnight Furnishings</u> Repeal/*	10A	NCAC	09	.0603
<u>Safety Requirements</u> Readopt with Changes/*	10A	NCAC	09	.0604
<u>Condition of Outdoor Learning Environment</u> Readopt with Changes/*	10A	NCAC	09	.0605
<u>Safe Sleep Practices</u> Readopt with Changes/*	10A	NCAC	09	.0606
<u>Emergency Preparedness and Response</u> Amend/*	10A	NCAC	09	.0607
<u>Prevention of Shaken Baby Syndrome and Abusive Head Trauma</u> Adopt/*	10A	NCAC	09	.0608
<u>Health Standards for Child Care Providers, Substitute Pro...</u> Readopt with Changes/*	10A	NCAC	09	.0701
<u>Standards for Substitutes and Volunteers</u> Repeal/*	10A	NCAC	09	.0702
<u>General Statutory Requirements</u> Readopt with Changes/*	10A	NCAC	09	.0703
<u>Preservice Requirements for Child Care Administrators</u> Readopt with Changes/*	10A	NCAC	09	.0704
<u>Special Training Requirements</u> Repeal/*	10A	NCAC	09	.0705
<u>In-Service Training Requirements</u> Repeal/*	10A	NCAC	09	.0707
<u>Preservice Requirements for Lead Teachers, Teachers and A...</u> Readopt with Changes/*	10A	NCAC	09	.0710
<u>Preservice Requirements for other Staff</u> Readopt without Changes/*	10A	NCAC	09	.0711
<u>Staff/Child Ratios for Centers With A Licensed Capacity o...</u> Repeal/*	10A	NCAC	09	.0712
<u>Staff/Child Ratios for Centers</u> Readopt with Changes/*	10A	NCAC	09	.0713
<u>Other Staffing Requirements</u> Readopt with Changes/*	10A	NCAC	09	.0714
<u>Application for Enrollment</u> Readopt with Changes/*	10A	NCAC	09	.0801
<u>Emergency Medical Care</u> Readopt with Changes/*	10A	NCAC	09	.0802
<u>Administering Medication</u> Readopt with Changes/*	10A	NCAC	09	.0803
<u>Infectious and Contagious Diseases</u> Readopt with Changes/*	10A	NCAC	09	.0804
<u>Toileting, Clothing and Linens</u> Readopt with Changes/*	10A	NCAC	09	.0806
<u>General Nutrition Requirements</u> Readopt with Changes/*	10A	NCAC	09	.0901
<u>General Nutrition Requirements for Infants</u> Readopt with Changes/*	10A	NCAC	09	.0902
<u>Requirements for Children Aged 24 Months and Older</u> Readopt with Changes/*	10A	NCAC	09	.0903

<u>Seat and Child Safety Seats</u> Readopt with Changes/*	10A	NCAC	09	.1001
<u>Safe Vehicles</u> Readopt with Changes/*	10A	NCAC	09	.1002
<u>Safe Procedures</u> Readopt with Changes/*	10A	NCAC	09	.1003
<u>Staff/Child Ratios</u> Readopt without Changes/*	10A	NCAC	09	.1004
<u>Off Premise Activities</u> Readopt without Changes/*	10A	NCAC	09	.1005
<u>New Staff Orientation</u> Adopt/*	10A	NCAC	09	.1101
<u>Health and Safety Training Requirements</u> Adopt/*	10A	NCAC	09	.1102
<u>On-Going Training Requirements</u> Adopt/*	10A	NCAC	09	.1103
<u>Professional Development Plan</u> Adopt/*	10A	NCAC	09	.1104
<u>Training Approval</u> Readopt with Changes/*	10A	NCAC	09	.1105
<u>Documentation of In-Service Training</u> Readopt without Changes/*	10A	NCAC	09	.1106
<u>Building Code Requirements for Centers</u> Readopt with Changes/*	10A	NCAC	09	.1301
<u>Building Code Requirements for Child Care Centers</u> Repeal/*	10A	NCAC	09	.1302
<u>Building Code Requirements for Small Group Facilities Lic...</u> Repeal/*	10A	NCAC	09	.1303
<u>Requirements for Child Care Centers Licensed in a Residence</u> Repeal/*	10A	NCAC	09	.1304
<u>Indoor Space</u> Readopt with Changes/*	10A	NCAC	09	.1401
<u>Outdoor Space</u> Readopt with Changes/*	10A	NCAC	09	.1402
<u>Aquatic Involving Water</u> Readopt with Changes/*	10A	NCAC	09	.1403
<u>General Provisions Related to Licensure of Homes</u> Repeal/*	10A	NCAC	09	.1701
<u>Application for a License for a Family Child Care Home</u> Readopt with Changes/*	10A	NCAC	09	.1702
<u>On-Going Requirements for Family Child Care Home Operators</u> Readopt with Changes/*	10A	NCAC	09	.1703
<u>Caregiver Interactions</u> Readopt with Changes/*	10A	NCAC	09	.1704
<u>Nutrition Standards</u> Readopt with Changes/*	10A	NCAC	09	.1706
<u>Building Requirements</u> Adopt/*	10A	NCAC	09	.1707
<u>Pre-Licensing Requirements</u> Adopt/*	10A	NCAC	09	.1708
<u>Inspections</u> Adopt/*	10A	NCAC	09	.1709

<u>Access to the Family Child Care Home</u> Adopt/*	10A	NCAC	09	.1710
<u>Supervision of Children</u> Adopt/*	10A	NCAC	09	.1711
<u>Written Plan of Care</u> Adopt/*	10A	NCAC	09	.1712
<u>Emergency Medical Care</u> Adopt/*	10A	NCAC	09	.1713
<u>Emergency Preparedness and Response</u> Adopt/*	10A	NCAC	09	.1714
<u>Failure to Maintain Requirements</u> Readopt with Changes/*	10A	NCAC	09	.1716
<u>Requirements for Daily Operations</u> Readopt with Changes/*	10A	NCAC	09	.1718
<u>Requirements for a Safe Indoor/Outdoor Environment</u> Readopt with Changes/*	10A	NCAC	09	.1719
<u>Medication Requirements Environment</u> Readopt with Changes/*	10A	NCAC	09	.1720
<u>Requirements for Records</u> Readopt with Changes/*	10A	NCAC	09	.1721
<u>Prohibited Discipline</u> Readopt with Changes/*	10A	NCAC	09	.1722
<u>Transportation Requirements</u> Readopt with Changes/*	10A	NCAC	09	.1723
<u>Safe Sleep Practices</u> Readopt with Changes/*	10A	NCAC	09	.1724
<u>Sanitation Requirements for Family Child Care Homes</u> Adopt/*	10A	NCAC	09	.1725
<u>Prevention of Shaken Baby Syndrome and Abusive Head Trauma</u> Adopt/*	10A	NCAC	09	.1726
<u>Discipline Policy</u> Adopt/*	10A	NCAC	09	.1727
<u>Overnight Care</u> Adopt/*	10A	NCAC	09	.1728
<u>Additional Caregiver and Substitute Provider Qualifications</u> Adopt/*	10A	NCAC	09	.1729
<u>Activities Involving Water</u> Adopt/*	10A	NCAC	09	.1730
<u>Supervision</u> Adopt/*	10A	NCAC	09	.1801
<u>Staff/Child Interactions</u> Readopt with Changes/*	10A	NCAC	09	.1802
<u>Prohibited Discipline</u> Readopt with Changes/*	10A	NCAC	09	.1803
<u>Discipline Policy</u> Adopt/*	10A	NCAC	09	.1804
<u>Notification to County Departments of Social Services</u> Repeal/*	10A	NCAC	09	.1901
<u>Investigation Procedures</u> Repeal/*	10A	NCAC	09	.1903
<u>Centers Operating under G.S. 110-106</u> Readopt with Changes/*	10A	NCAC	09	.2101

<u>Use of Corporal Punishment</u> Adopt/*	10A	NCAC	09	.2102
<u>Schedule of Civil Penalties for Family Child Care Homes</u> Adopt/*	10A	NCAC	09	.2214
<u>Denial of License</u> Adopt/*	10A	NCAC	09	.2215
<u>Care Center Records Retention</u> Readopt with Changes/*	10A	NCAC	09	.2318
<u>Scope</u> Readopt without Changes/*	10A	NCAC	09	.2401
<u>Definitions</u> Readopt without Changes/*	10A	NCAC	09	.2402
<u>Special Provisions for Licensure</u> Readopt without Changes/*	10A	NCAC	09	.2403
<u>Inclusion/Exclusion Requirements</u> Readopt without Changes/*	10A	NCAC	09	.2404
<u>Admission Requirements</u> Readopt without Changes/*	10A	NCAC	09	.2405
<u>Staff/Child Ratios</u> Readopt without Changes/*	10A	NCAC	09	.2406
<u>Space Requirements</u> Readopt without Changes/*	10A	NCAC	09	.2407
<u>Staff Qualifications</u> Readopt without Changes/*	10A	NCAC	09	.2408
<u>Children's Records</u> Readopt without Changes/*	10A	NCAC	09	.2409
<u>Children's Activities</u> Readopt without Changes/*	10A	NCAC	09	.2410
<u>Nutrition Requirements</u> Readopt without Changes/*	10A	NCAC	09	.2411
<u>Scope</u> Readopt without Changes/*	10A	NCAC	09	.2501
<u>Special Provisions for Summer Day Camps</u> Readopt with Changes/*	10A	NCAC	09	.2502
<u>Building Code Requirements</u> Readopt with Changes/*	10A	NCAC	09	.2503
<u>Space Requirements</u> Readopt with Changes/*	10A	NCAC	09	.2504
<u>Health Requirements for Children</u> Readopt with Changes/*	10A	NCAC	09	.2505
<u>General Safety Requirements</u> Readopt with Changes/*	10A	NCAC	09	.2506
<u>Operating Policies</u> Repeal/*	10A	NCAC	09	.2507
<u>Age Appropriate Activities</u> Readopt with Changes/*	10A	NCAC	09	.2508
<u>Activities: Off Premises</u> Readopt with Changes/*	10A	NCAC	09	.2509
<u>Staff Qualifications</u> Readopt with Changes/*	10A	NCAC	09	.2510
<u>Developmental Day Centers</u> Readopt with Changes/*	10A	NCAC	09	.2512

<u>Scope</u> Readopt without Changes/*	10A	NCAC	09	.2901
<u>License</u> Readopt without Changes/*	10A	NCAC	09	.2902
<u>Staff Qualifications</u> Readopt with Changes/*	10A	NCAC	09	.2903
<u>Program Requirements</u> Readopt without Changes/*	10A	NCAC	09	.2904
<u>Family Services</u> Readopt without Changes/*	10A	NCAC	09	.2905
<u>Scope</u> Readopt without Changes/*	10A	NCAC	09	.3001
<u>Facility Requirements</u> Readopt with Changes/*	10A	NCAC	09	.3002
<u>Program Attendance Policy</u> Readopt without Changes/*	10A	NCAC	09	.3003
<u>Child Health Assessments</u> Readopt without Changes/*	10A	NCAC	09	.3005
<u>Developmental Screening</u> Readopt without Changes/*	10A	NCAC	09	.3006
<u>Early Learning Standards and Curricula</u> Readopt without Changes/*	10A	NCAC	09	.3007
<u>Formative Assessments</u> Readopt without Changes/*	10A	NCAC	09	.3008
<u>Staff-to-Child Ratio and Class Size</u> Readopt without Changes/*	10A	NCAC	09	.3009
<u>Family Engagement</u> Readopt without Changes/*	10A	NCAC	09	.3010
<u>NC Pre-K Site-Level Administrator Qualifications</u> Readopt with Changes/*	10A	NCAC	09	.3011
<u>NC Pre-K Teacher Education, Licensure and Credentials</u> Readopt with Changes/*	10A	NCAC	09	.3012
<u>NC Pre-K Teacher Assistant Education and Credentials</u> Readopt with Changes/*	10A	NCAC	09	.3013
<u>NC Pre-K Substitute Staff</u> Readopt with Changes/*	10A	NCAC	09	.3014
<u>Instructional Staff Standards</u> Readopt without Changes/*	10A	NCAC	09	.3015
<u>Professional Development Requirements</u> Readopt with Changes/*	10A	NCAC	09	.3016
<u>Children with Unique Needs and Challenging Behaviors</u> Adopt/*	10A	NCAC	09	.3017

PUBLIC SAFETY, DEPARTMENT OF - BOXING AUTHORITY

The rules in Chapter 10 concern the boxing authority including purpose (.0100); drugs and foreign substances (.0200); physical examinations (.0300); permits, licensing and contracts (.0400); boxing (.0500); kickboxing (.0600); toughman (.0700); and mixed martial arts (.0800).

<u>Weigh-Ins for Boxing</u> Amend/*	14B	NCAC	10	.0501
<u>Weigh-Ins Mixed Martial Arts</u> Adopt/*	14B	NCAC	10	.0801

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); 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); mercury rules for electric generators (.2500); and source testing (.2600).

Prevention of Significant Deterioration
Amend/*

15A NCAC 02D .0530

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

General Use Standards for Ocean Hazard Areas
Amend/*

15A NCAC 07H .0306

The rules in Subchapter 7J concern procedures for handling major development permits, variance requests, appeals from minor development permit decisions and declaratory rulings. They include definitions (.0100); permit application and procedures (.0200); hearing procedures (.0300); final approval and enforcement (.0400); general permits (.0500); declaratory rulings and petitions for rulemaking (.0600); procedures for considering variance petitions (.0700); general permit procedure (.1100); static vegetation line exception procedures (.1200); and development line procedures (.1300).

Requesting the Development Line
Amend/*

15A NCAC 07J .1301

CEMETERY COMMISSION

The rules in Subchapter 7D concern trust funds including maintenance and care funds(perpetual care funds) (.0100); and pre-need cemetery merchandise, pre-constructed mausoleums and below ground crypts trust funds (.0200).

Report
Amend/*

21 NCAC 07D .0101

ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

The rules in Chapter 18B are from the Board of Electrical Contractors including general provisions (.0100); examinations and qualifications (.0200); terms and definitions applicable to licensing (.0300); licensing requirements (.0400); reciprocal licensing agreements with other states (.0700); special restricted licenses (.0800); violations and contested case hearings (.0900); forms, certificates, and publications of the board (.1000); and continuing education courses and requirements (.1100).

<u>Production of Public Records</u> Adopt/*	21	NCAC	18B	.0110
<u>Requirements for All Examination Applicants</u> Amend/*	21	NCAC	18B	.0201
<u>Experience</u> Amend/*	21	NCAC	18B	.0202
<u>Examinations</u> Amend/*	21	NCAC	18B	.0204
<u>Annual License Fees</u> Amend/*	21	NCAC	18B	.0404
<u>Reclassification of Current License</u> Amend/*	21	NCAC	18B	.0501
<u>Qualified Individual - Listing Options after Expiration</u> Amend/*	21	NCAC	18B	.0504
<u>Qualified Individual - Initial Listing Options</u> Amend/*	21	NCAC	18B	.0505

FUNERAL SERVICE, BOARD OF

The rules in Subchapter 34B are funeral service rules including rules relating to resident trainees (.0100); examinations (.0200); licensing (.0300); continuing education (.0400); out-of-state licensees (.0500); funeral establishments (.0600); and preparation of dead bodies (.0700).

<u>Practicing During Disasters</u> Adopt/*	21	NCAC	34B	.0617
<u>Practicing During Emergencies</u> Adopt/*	21	NCAC	34B	.0618

BUILDING CODE COUNCIL

<u>2018 Building Code</u> Adopt/*	2018 Building Code
<u>2014 Electrical Code - Pool Pump Motor Replacement</u> Amend/*	680.21(C)
<u>2018 Fire Prevention Code</u> Adopt/*	2018 Fire Prevention Code
<u>2018 Fuel Gas Code</u> Adopt/*	2018 Fuel Gas Code

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Brooks
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
16	CPS	08523	6/15/2017	Judy Y Su	v.	NC Crime Victims Compensation Commission	Brooks
17	CPS	00723	6/27/2017	Jennifer Lee Recio	v.	Janice W Carmicheal	Sutton
16	DHR	07520	6/5/2017	Elaine Shelton	v.	NC Child Development and Early Education Health and Human Services	Brooks
16	DHR	10569	6/6/2017	Loving Caring & Sharing Development Center	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Ward
16	DHR	10873	6/14/2017	Goldsboro Dental Arts	v.	North Carolina Department of Health and Human Services Division of Medical Assistance	Overby
16	DOJ	10875	6/14/2017	Terry Lee Vaughan Jr.	v.	NC Sheriffs Education and Training Standards Commission	Elkins
16	DOJ	10877	6/22/2017	James Lee Burnette	v.	NC Sheriffs Education and Training Standards Commission	Sutton
16	DOJ	11317	6/19/2017	Harfel Clementa Davis	v.	NC Sheriffs Education and Training Standards Commission	Ward
17	DOJ	00883	6/27/2017	Tarek Maurice Ollison	v.	NC Private Protective Services Board	Ward
17	DOJ	00913	6/27/2017	Orrin Anthony Bynes	v.	NC Private Protective Services Board	Ward
17	DOJ	01213	6/27/2017	Jeremy Kendall Muldrow	v.	NC Private Protective Services Board	Ward
17	DOJ	01658	6/27/2017	Darrell Lynn Stevenson	v.	NC Private Protective Services Board	Ward

CONTESTED CASE DECISIONS

14	EHR	02032	6/29/2017	Keever & Peryear LP	v.	Person County Environmental Health Department and NC Department of Health and Human Services, Environmental Health Section	Overby
16	INS	12336	6/14/2017	Karen O'Brien	v.	North Carolina State Health Plan for Teachers and State Employees	Lassiter
17	INS	00783	4/5/2017; 6/22/2017	Michael John Dayton	v.	North Carolina State Health Plan	Overby
17	INS	01031	6/16/2017	Curtis W Price	v.	North Carolina State Health Plan	Culpepper
16	OSP	10021	6/8/2017	Timothy Scott Reynolds	v.	North Carolina Department of Public Safety Adult Corrections & Juvenile Justice	Sutton
16	OSP	12067	6/23/2017	Tankita T Peterson	v.	Caswell Developmental Center Dept of Health & Human Services	Lassiter
17	SOS	03019	6/20/2017	Pamela Rene L'Tanya Hailey	v.	Notary Public in North Carolina NC Dept of the Secretary of State	Brooks
				<u>UNPUBLISHED</u>			
17	CRA	02827	6/13/2017	Yah-Oshawar Alkebulanis Ali El	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Brooks
14;15	CSE	09125; 08281	6/1/2017	Paul C Castagno	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	May
15	CSE	04887	6/19/2017	Michael J Laverne	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Elkins
16	CSE	04121	6/19/2017	Cecil Campbell	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Elkins
16	CSE	10242	6/13/2017	Jason N Maddox	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
16	CSE	10244	6/7/2017	Antwan Daniels	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
16	CSE	10754	6/19/2017	Wesley J Booth	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
16	CSE	10841	6/19/2017	Elijah R Lewis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
16	CSE	10849	6/1/2017	Herbert Leon Johnson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
16	CSE	10934	6/19/2017	Joanna L Smith	v.	NC Wake Co CSE Agency	Elkins
16	CSE	11269	6/21/2017	Thomas C Yu	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
16	CSE	11315	6/21/2017	Jeffrey John Laforge	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton

CONTESTED CASE DECISIONS

16	CSE	11441	6/23/2017	Luis Giraldo	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	11598	6/28/2017	Roderick F Harmon	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
16	CSE	11784	6/12/2017	Vernon L Quinn	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
17	CSE	03160	6/21/2017	Justin Neeley	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	03243	6/14/2017	Ray Rhinehardt	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
16	DCS	05310	6/19/2017	Shaneeka Currence	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Elkins
16	DHR	11131	6/7/2017	Tiffany Cannady	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Lassiter
17	DHR	00488	6/15/2017	Bennett's Family Care Home Kelly Bennett	v.	NC Department of Health and Human Services	May
17	DHR	00724	6/13/2017	Millicent Mccray	v.	Department of Health and Human Services, Division of Health Service Regulation	Brooks
17	DHR	01576	6/7/2017	Veleria Smith	v.	Department of Health and Human Services	Overby
17	DHR	01624	6/16/2017	Jenise Whisnant	v.	Division of Child Development Department of Health and Human Services	Mann
17	DHR	01673	6/28/2017	Christy Fogg	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Bawtinhimer
17	DHR	01855	6/29/2017	Robert Robinson Birch Manor Group Home	v.	NC Department of Health and Human Services	Mann
17	DHR	01859	6/28/2017	Joshua Bustamante	v.	Person County Environmental Health	Bawtinhimer
17	DHR	02083	6/1/2017	Matthew T Salley	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Brooks
17	DHR	02358	6/28/2017	Nicole Kennedy	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Bawtinhimer
17	DHR	02467	6/28/2017	Jonathan Hause	v.	NC Department of Health and Human Services Central Regional Hospital	Bawtinhimer
17	DHR	02502	6/20/2017	Jeffrey Clarence Simmons	v.	Department of Health and Human Services, Division of Health Service Regulation	Brooks
17	DHR	02560	6/9/2017	The Sunshine House #40 ID 41000202	v.	Division of Child Dev & Early Education	May
17	DHR	02618	6/22/2017	Garry Sanders	v.	NC Department of Health and Human Services Office of Controller	Overby
17	DHR	03079	6/7/2017	Angela M Lockhart	v.	Department of Health and Human Services, Division of Health Service Regulation	Brooks

CONTESTED CASE DECISIONS

17	DHR	03763	6/22/2017; 6/27/2017	Dean's Tender Daycare Center	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Ward
17	DOJ	00876	6/13/2017	Andrell Rosenique Boyd	v.	NC Private Protective Services Board	Ward
17	DOJ	00885	6/13/2017	Lovern Northington	v.	NC Private Protective Services Board	Ward
17	DOJ	01051	6/13/2017	Marcus McCrimmon	v.	NC Private Protective Services Board	Ward
11	DST	10875	6/5/2017	Russell E Greene	v.	North Carolina Department of State Treasurer Retirement Systems Division	May
17	EHR	02500	6/20/2017; 6/21/2017	Ironworld Manufacturing LLC	v.	NC DENR DEQ	Brooks
17	INS	00984	6/20/2017	Kasey Best Jordan	v.	North Carolina State Health Plan	Lassiter
17	INS	01785	6/28/2017	John Layne Denton	v.	State Employess Health Plan/ OAH	Bawtinhimer
17	INS	02464	6/21/2017	Sharon Marie Glenn	v.	Dept. of State Treasurer Lotta Crabtree, Deputy Executive Administrator and Legal Counsel	Overby
17	INS	02615	6/28/2017	Wesley Jason Winkelman	v.	The University of North Carolina at Chapel Hill	Bawtinhimer
17	INS	02723	6/26/2017	Patricia Fazzone	v.	North Carolina State Health Plan	Overby