

NORTH CAROLINA REGISTER

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November 15, 2017

I. EXECUTIVE ORDERS	
Executive Order No. 24	958 - 962
II. IN ADDITION	
Building Code Council – Public Hearing.....	963 - 964
III. PROPOSED RULES	
Commerce, Department of	
Industrial Commission	965 – 966
Occupational Licensing Boards and Commissions	
Barber Examiners, Board of	966 – 968
General Contractors, State Licensing Board for	968 – 981
Hearing Aid Dealers and Fitters Board	981 – 991
Landscape Architects, Board of	991 – 992
State Human Resources, Office of	
State Human Resources Commission	992 – 993
IV. RULES REVIEW COMMISSION	994 - 1020
V. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	1021 - 1022

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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.



State of North Carolina

ROY COOPER
GOVERNOR

October 18, 2017

EXECUTIVE ORDER NO. 24

POLICIES PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION IN STATE EMPLOYMENT, SERVICES, AND CONTRACTS UNDER THE JURISDICTION OF THE OFFICE OF THE GOVERNOR

WHEREAS, North Carolina welcomes all people and recognizes the importance of diversity; and

WHEREAS, North Carolina has a strong commitment to maintaining an excellent statewide workforce and a robust economy, and must eliminate discrimination, harassment, and retaliation to attract, grow, and retain its workforce and build its economy; and

WHEREAS, robust workplace protections produce greater employee job commitment, improved workplace relationships, increased job satisfaction, improved productivity, and improved health outcomes; and

WHEREAS, protecting against discrimination, harassment, and retaliation in the provision of government services promotes solidarity, government accountability, and economic efficiency; and

WHEREAS, the United States Supreme Court in *Grutter v. Bollinger* recognized a compelling state interest in diversity; and

WHEREAS, the United States Supreme Court in *Obergefell v. Hodges* recognized that "[t]he fundamental liberties protected by the Fourteenth Amendment's Due Process Clause extend to certain personal choices central to individual dignity and autonomy, including intimate choices defining personal identity and beliefs," and laws burdening this liberty interest "abridge central concepts of equality"; and

WHEREAS, the majority of federal courts that have addressed the issue to date have held that discrimination on the basis of transgender status is unlawful; and

WHEREAS, a 2013 Pew Research study found that twenty-one percent of LGBT respondents "had been treated unfairly by an employer in hiring, pay, or promotions" due to their sexual orientation and/or gender identity; and

WHEREAS, a 2015 study conducted by the National Center for Transgender Equality found that thirty-two percent of transgender workers in North Carolina experienced workplace harassment or discrimination in the past year; and

WHEREAS, discrimination, harassment, and retaliation based on activities and identities protected under existing federal and state law, including but not limited to race, color, ethnicity, national origin, age, disability, sex, pregnancy, religion, National Guard or veteran status, sexual

orientation, gender identity or expression, is prohibited and unlawfully infringes upon individual dignity and autonomy; and

WHEREAS, it is in the State's interest to invite private businesses, private non-profit organizations, and other private entities to adopt policies protecting transgender individuals from discrimination, harassment, and retaliation; and

WHEREAS, it is necessary to provide state and local government actors with clarity and guidance regarding existing laws and policies prohibiting discrimination, harassment, and retaliation; and

WHEREAS, the measures set forth in this Executive Order are not inconsistent with existing federal and state law.

NOW, THEREFORE, I, Roy Cooper, Governor of the State of North Carolina, by virtue of the authority vested in me under the Constitution and the laws of the State of North Carolina, do hereby order the following:

I. Definitions and Standards

A. Prohibited Grounds

Activities and identities protected under existing federal and state law, including but not limited to race, color, ethnicity, national origin, age, disability, sex, pregnancy, religion, National Guard or veteran status, sexual orientation, gender identity or expression, shall be referred to in this Executive Order as "Prohibited Grounds" for discrimination, harassment, or retaliation.

B. Guidance

As used in this Executive Order, "Guidance" is defined to be a statement within the scope of one or more of the sub-subdivisions of N.C. Gen. Stat. § 150B-2(8a)a - 1.

C. State Employment, State Government Services and Programs, State Contracts, and State Grants

1. State agencies, boards, commissions, and departments under the jurisdiction of the Office of the Governor shall not discriminate, harass or retaliate on the basis of Prohibited Grounds in employment against an individual;
2. State agencies, boards, commissions, and departments under the jurisdiction of the Office of the Governor shall not discriminate, harass or retaliate on the basis of Prohibited Grounds in the provision of government services or in the administration of government programs, including, but not limited to, programs and services concerning public safety, health, and welfare;
3. State agencies, boards, commissions, and departments under the jurisdiction of the Office of the Governor shall not discriminate, harass or retaliate on the basis of Prohibited Grounds in awarding state contracts and state grants; and
4. State agencies, boards, commissions, and departments under the jurisdiction of the Office of the Governor will not adopt policies or regulations barring, prohibiting, blocking, deterring, or impeding any individual who lawfully uses public facilities under their control or supervision, in accordance with that individual's gender identity.

II. Access to State Services

State agencies and departments under the jurisdiction of the Office of the Governor (referred to hereafter as "State Agencies" or "State Agency") are directed to adopt additional rules and policies permissible under existing federal and state law that are necessary to provide the public with equal access and opportunity, without discrimination, harassment, or retaliation based upon Prohibited Grounds, to:

- a. Services provided by the State;
- b. Services both:
 - i. Funded directly by State treasury funds that are disbursed by a State Agency; and
 - ii. Provided by a private entity receiving those funds (a "Grantee"); a private entity receiving those funds from a Grantee (a "Sub-Grantee"); a private contractor pursuant to an agreement with a State Agency (referred to in this section, and this section alone, as a "Service Contractor"); or a private subcontractor pursuant to an agreement with a Service Contractor.

State Agencies will notify their employees of measures undertaken pursuant to this Section and will ensure that those employees provide the public with equal access and opportunity without discrimination, harassment, or retaliation based upon Prohibited Grounds, to services provided by the State.

III. Policy Development

A. State Agency Specific Policies Addressing Discrimination, Harassment, and Retaliation

By the authority vested in me as the Governor of the State of North Carolina under the Constitution, *see* N.C. CONST. art. III, §§ 1, 5(4), (8), (10), and as chief supervisor of State Agencies, *see* N.C. Gen. Stat. §§ 126-1 – 99, 143B-1 – 30.4, 147-12 – 33, I further direct the Office of State Human Resources ("OSHR") to take the following actions in furtherance of the goals set forth in this Executive Order:

1. Issue Guidance applicable to all state agencies, boards, commissions, and departments under the jurisdiction of the Office of the Governor, and all directors, supervisors, officers, officials, managers, staff, and employees covered under N.C. Gen. Stat. § 126-1 – 99 (2017) (the "Human Resources Act") that addresses state government non-discrimination policy and facilitates compliance with Section II of this Executive Order. At a minimum, this Guidance will:
 - a. Set forth internal State Agency standards addressing discrimination, harassment, and retaliation based upon Prohibited Grounds;
 - b. Set forth standards which may be used by State Agencies as guidelines for complying with Section II of this Executive Order; and
 - c. Charge OSHR with adopting measures that would identify under what circumstances State Agencies may impose consequences on Grantees and Sub-Grantees who discriminate, harass, or retaliate based upon Prohibited Grounds, up to and including grant revocation and exclusion from consideration for future state grants.
2. Take any additional steps necessary to prevent and stop discrimination, retaliation, and harassment based upon Prohibited Grounds; and
3. Periodically report on efforts to comply with and implement this Executive Order.

I further direct State Agencies to take the following actions in furtherance of the goals set forth in this Executive Order:

1. Consult with OSHR and thereafter develop State Agency specific internal dispute procedures that will remain continuously in effect for State Agency employees alleging discrimination, harassment or retaliation based upon Prohibited Grounds in connection with state employment;
2. Take any additional steps necessary to prevent and stop discrimination, retaliation, and harassment based upon Prohibited Grounds; and
3. Periodically report on efforts to comply with and implement this Executive Order.

B. State Procurement Measures

I further direct the Department of Administration ("DOA") to take the following actions in furtherance of the goals set forth in this Executive Order:

1. Issue Guidance addressing discrimination, retaliation, and harassment based upon Prohibited Grounds in state procurements. At a minimum, this Guidance will;
 - a. Require, where necessary, that state contracts or subcontracts managed by and through DOA for (i) construction of public buildings, (ii) other public works, and (iii) goods or services include provisions, in accordance with existing federal and state law, which establish that bids are awarded on the basis of merit and qualifications and prospective contractors will not be discriminated, harassed or retaliated against on the basis of Prohibited Grounds;
 - b. Charge DOA with adopting measures that would identify under what circumstances:
 - i. State contractors would have to attest that they will not discriminate, harass, or retaliate based upon Prohibited Grounds prior to providing goods and services to the State;
 - ii. State contractors would be required to have in place internal policies prohibiting discrimination, harassment, and retaliation based upon Prohibited Grounds, and ensure subcontractors working on any state project under this Section have similar policies in place; and
 - iii. DOA may set forth consequences for state contractors and subcontractors who discriminate, harass or retaliate based upon Prohibited Grounds, up to and including contract termination and exclusion from consideration for future state contracts and subcontracts.
 - c. Affirm DOA's commitment to retain contractors from diverse backgrounds.
2. Notify State Agencies of DOA's measures to address discrimination, harassment, and retaliation in state procurements;
3. Take any additional steps necessary to prevent and stop discrimination, retaliation, and harassment based upon Prohibited Grounds in state procurements; and
4. Periodically report on efforts to comply with and implement this Executive Order.

IV. Commission on Inclusion

In furtherance of the goals set forth in this Executive Order, the Secretary of the Department of Administration is hereby directed to establish a commission (the "Commission") comprised of members from state government, private businesses, and non-profit organizations to (i) assist DOA and OSHR in carrying out their duties under Section III of this Executive Order and (ii) identify additional policies and measures that would promote inclusion and address discrimination, harassment, and retaliation based upon Prohibited Grounds. The Commission will meet at the request of the Secretary of the Department of Administration and work in consultation with State Agencies. DOA shall adopt any rules and policies necessary to further the Commission's objectives and the goals set forth in this Executive Order.

V. Counties, Municipalities, Political Subdivisions, Local Government Agencies, and Private Entities

1. Consistent with existing federal and state law, I affirm that all counties, municipalities, political subdivisions, local government agencies, and private entities in North Carolina may establish their own policies prohibiting discrimination, harassment, and retaliation based upon Prohibited Grounds in employment, the provision of services, and contracting.

2. Consistent with existing federal and state law, all private entities in North Carolina, along with all North Carolina counties, municipalities, political subdivisions, and local government agencies, are encouraged to adopt policies similar to those outlined in this Executive Order.

VI. Miscellaneous

1. This Executive Order does not create a private cause of action.
2. Except as provided in Section VI.4, this Executive Order is subject to and does not otherwise conflict with or abrogate existing state law.
3. The "whereas" recitals in this Executive Order are for convenience of reference only, are not operative, and shall not be deemed to alter or affect the meaning or interpretation of any provisions thereof.
4. Unless otherwise provided, this Executive Order supersedes and rescinds Executive Order No. 93, issued on April 12, 2016.
5. This Executive Order is effective immediately and shall remain in effect until amended or rescinded by future Executive Order of the Governor.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the 18th day of October, in the year of our Lord two thousand seventeen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



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 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, December 12, 2017, 9:00AM, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, 2nd Floor Training Room 240. 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 January 16, 2018.*

Statement of Subject Matter:

1. Request by Cliff Isaac, PE, representing the NC Department of Insurance, to amend the 2018 NC Residential Code, Section R301.1.4 as follows:

R301.1.4 Notice of Usage. When an area of a dwelling other than a crawlspace is unfinished and not habitable it shall be plainly identified by a label attached to a wall, ceiling, or other conspicuous location that identifies the allowed use of the area. The label shall also state that altering the area to an area of living, sleeping, or eating and cooking would require a permit and compliance with the North Carolina Residential Code for One and Two Family Dwellings.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2019.

Reason Given – The purpose of this amendment is to notify the owner of the permit and inspection requirements before work is performed and to reduce resale issues.

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.

2. Request by Leon Skinner, representing the City of Raleigh, to amend the 2018 NC Plumbing Code, Section 403.1.1 (and the 2018 NC Building Code, Section 2902.1.1) as follows:

403.1.1 (2902.1.1) Fixture calculations.

To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded up to the next whole number.

Exceptions:

1. The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.
2. In buildings that contain dwellings or sleeping units that have a pool dedicated to the residents, a percentage reduction of the total required fixtures provided for a pool and pool deck without bleachers and grandstands may be taken equal to the percentage of ~~total~~ residential units whose entries fall within a 500 feet foot horizontal travel distance of the pool deck. In multi-story structures, the residential units located not more than one story above or below the pool and pool deck may be included in the percentage. Travel from the pool to the required toilet facilities shall be on an accessible route.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2019.

Reason Given – The purpose of this amendment is to give better clarity to the intent of the percentage reduction within 500 feet and still provide adequate facilities for the occupants of the pool and pool deck.

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 04 – DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Industrial Commission intends to amend the rule cited as 04 NCAC 10E .0203.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ic.nc.gov/proposed10E0203Notice-111517.pdf>

Proposed Effective Date: March 1, 2018

Public Hearing:

Date: December 21, 2017

Time: 10:00 a.m.

Location: Room 240, 2nd Floor, Department of Insurance's Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action: In the Appropriations Act of 2017, Session Law 2017-57, Section 15.19, the General Assembly established the process for the gradual funding for the Commission to replace its case management system. This project will be funded through both receipts and appropriated funds over four years, through June 30, 2021. In addition to the appropriated funds, the General Assembly authorized the Commission to retain additional revenue up to one million two hundred thousand dollars (\$1,200,000) of the fee charged to parties for the filing of compromise settlement agreements to be used for the purpose of replacing and maintaining the Industrial Commission's case management systems and related expenditures. This fee retention authorization explicitly expires on June 30, 2021. Therefore, the Commission is engaging in permanent rulemaking to increase the fee by \$30 for a 40-month period in order to collect the funds authorized by the General Assembly.

Comments may be submitted to: Kendall Bourdon, 1233 Mail Service Center, Raleigh, NC 27699-1233; phone (919) 807-2644; email kendall.bourdon@ic.nc.gov

Comment period ends: January 16, 2018

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 10 - INDUSTRIAL COMMISSION

SUBCHAPTER 10E – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION

SECTION .0200 – FEES

04 NCAC 10E .0203 FEES SET BY THE COMMISSION

~~(a) (Effective until July 1, 2015) In workers' compensation cases, the Commission sets the following fees:~~

- ~~(1) four hundred dollars (\$400.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;~~
- ~~(2) three hundred dollars (\$300.00) for the processing of a Form 21 Agreement for Compensation for Disability, Form 26 Supplemental Agreement as to Payment of Compensation, or Form 26A Employer's Admission of Employee's Right to Permanent Partial Disability to be paid by the employee and the employer or the employer's carrier in equal shares. The employer or the employer's carrier shall pay such fee in full when submitting the agreement to the Commission. Unless the parties agree otherwise or the award totals three thousand dollars (\$3,000) or less, the employer and the employer's carrier shall be~~

entitled to a credit for the employee's 50 percent share of such fee against the award;

(3) ~~two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and~~

(4) ~~a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.~~

~~(a) (Effective July 1, 2015)~~ **(Effective until July 1, 2021)** In workers' compensation cases, the Commission sets the following fees:

- (1) ~~four hundred dollars (\$400.00)~~ four hundred thirty dollars (\$430.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;
- (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and
- (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.

(a) (Effective July 1, 2021) In workers' compensation cases, the Commission sets the following fees:

- (1) four hundred dollars (\$400.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;
- (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and
- (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.

(b) In tort claims cases, the filing fee is an amount equal to the filing fee required to file a civil action in the Superior Court division of the General Court of Justice.

Authority G.S. 7A-305; 97-17; 97-26(i); 97-73; 97-80; 143-291.2; 143-300; S.L 2014-77; S.L. 2017-57.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber Examiners intends to amend the rules cited as 21 NCAC 06L .0103 and .0119.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncbarbers.com/news.html>

Proposed Effective Date: March 1, 2018

Public Hearing:

Date: November 30, 2017

Time: 10:00 a.m.

Location: 5809 Departure Drive, Suite 102, Raleigh, NC 27616

Reason for Proposed Action: *The two amendments eliminate the requirement to have certain ceiling finishes in barbershops.*

Comments may be submitted to: Dennis Seavers, North Carolina Board of Barber Examiners, 5809 Departure Drive, Suite 102, Raleigh, NC 27616; phone (919) 981-5210 x22; fax (919) 981-5068; email dseavers@ncbarbers.com

Comment period ends: January 16, 2018

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

SUBCHAPTER 06L - BARBER SHOPS

21 NCAC 06L .0103 EQUIPMENT

- (a) Each barber shall have a cabinet for barbering equipment. The cabinets shall be constructed of material that may be cleaned.
- (b) Each shop shall have smooth finished ~~walls, ceilings, walls~~ and floors, with no exposed pipes.
- (c) Each barber chair shall be covered with a smooth, non-porous surface, such as vinyl or leather, which is easily cleaned as required by G.S. 86A-15(a)(2)(c).
- (d) Each shop shall have within the shop or building functioning toilet facilities for employees and patrons.
- (e) Each barber shop shall have a cabinet, or other method of storage, such that clean towels are stored separate from used towels.
- (f) In addition to the requirements of Paragraph (d) of this Rule, barber shops that are permitted on or after January 1, 1995 or undergo structural renovations after that date, shall have within the shop or building a hand-washing sink or lavatory for patrons with hot and cold water, soap, and disposable towels.

(g) Where a barber shop is located within a shop licensed by the North Carolina Board of Cosmetic Art Examiners, the toilet facility and sink may be shared with the cosmetology shop.

(h) Paragraphs (a), (d), and (f) of this Rule do not apply to barber shops operated by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.

(i) All equipment and tools used in the practice of barbering as set forth in G.S. 86A-2 shall be suitable for the safe cutting of hair and shall be maintained in a sanitary and good operating condition as required by ~~G.S. 86A-15(a)(2);~~ G.S. 86A-15(a)(2).

Authority G.S. 86A-2; 86A-15.

**21 NCAC 06L .0119 SYSTEMS OF GRADING
BARBER SHOPS AND BARBER SCHOOLS**

The system of grading the sanitary rating of all barber shops and schools shall be as follows, setting forth areas to be inspected, and the maximum points given for compliance. In cases where barber shops or schools are exempt from specific rules cross-referenced below, the barber shop or school shall receive the maximum points for that listing:

- (1) whether the entrance and waiting area are sanitary 2;
- (2) whether there is a water system with hot and cold running water and plumbing or a septic system for removal of sewage 2;
- (3) whether the ~~walls, ceiling, walls~~ and floors:
 - (a) comply with 21 NCAC 06F .0101(b)(8) for barber schools or 21 NCAC 06L .0103(b) for barber shops 9;
 - (b) are sanitary 7;
- (4) whether the barber shop or school is well-lighted and well-ventilated, with sanitary windows, fixtures, and ventilation surfaces 3;
- (5) whether the public toilet or lavatories:
 - (a) are sanitary and well-ventilated 5;
 - (b) have soap and individual towels 5;
 - (c) have hot and cold running water 2;
- (6) whether each person working as a barber is sanitary in person and dress 1;
- (7) for towels and linens:
 - (a) whether there is a supply of sanitary towels 2;
 - (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for barber schools or 21 NCAC 06L .0103(e) for barber shops 3;
 - (c) whether barbers have a sanitary hair cloth or cape for clients 1;
- (8) whether there is a soiled towel receptacle that meets the requirements set forth in G.S. 86A-15(a)(2)(d) 4;
- (9) for tools and instruments:
 - (a) whether disinfectants used by the barber shop or school are selected from those approved by the federal Environmental Protection Agency 4;

PROPOSED RULES

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| (b) | whether disinfectants are used according to manufacturer instructions 4; | 21 NCAC 12 .0202 | Update several specialty classifications |
| (c) | whether all implements are cleaned and disinfected and, when not in use, stored in a tool cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber schools or 21 NCAC 06L .0103(a) for barber shops 8; | 21 NCAC 12 .0204 | Update internal code references and the manner in which audited financial statements are provided to the Board |
| (10) | for working areas: | 21 NCAC 12 .0205 | Update application process to comply with amended G.S. 87-10 |
| (a) | whether the work stand is sanitary 3; | 21 NCAC 12 .0207 | Update requirements of a licensed joint venturer |
| (b) | whether sinks are sanitary 2; | 21 NCAC 12 .0208 | Update formatting |
| (c) | whether jars and containers are sanitary and disinfected 1; | 21 NCAC 12 .0211 | Clarify the definition of "multiunit buildings" |
| (d) | whether the work area is free from equipment that is unnecessary to provide barbering services, and whether articles in the work area are sanitary 1; | 21 NCAC 12 .0301 | Unnecessary |
| (11) | whether the license, permit, or certificate of registration is current and posted as set forth in G.S. 86A-16 10; | 21 NCAC 12 .0302 | Unnecessary |
| (12) | whether the sanitary rules and regulations are posted in a conspicuous place as set forth in G.S. 86A-15(b) 1; | 21 NCAC 12 .0303 | Clarify the application process |
| (13) | whether there are sterilizing containers and solutions that are used according to manufacturer instructions 20. | 21 NCAC 12 .0304 | Clarify fees currently charged to applicants and licensees |
| | | 21 NCAC 12 .0305 | Unnecessary |
| | | 21 NCAC 12 .0402 | Unnecessary |
| | | 21 NCAC 12 .0404 | Clarify grade needed to pass exam for licensure |
| | | 21 NCAC 12 .0408 | Unnecessary (some information moved into another rule) |
| | | 21 NCAC 12 .0410 | Unnecessary (addressed in rule .0404) |
| | | 21 NCAC 12 .0501 | Clarify status of license if a corporate licensee dissolves corporation |
| | | 21 NCAC 12 .0502 | Update to conform with requirements of G.S. 93B |
| | | 21 NCAC 12 .0503 | Clarify the renewal process |
| | | 21 NCAC 12 .0504 | Clarify the process re: increasing license limitation |
| | | 21 NCAC 12 .0505 | Inform licensees & qualifiers of requirement to maintain current information with Board |
| | | 21 NCAC 12 .0506 | Update to comply with other statutes |
| | | 21 NCAC 12 .0701 | Update the complaint filing process (complaints against licensees) |
| | | 21 NCAC 12 .0702 | Update the complaint filing process (complaints against unlicensed contractors) |
| | | 21 NCAC 12 .0703 | Clarify the outcome of fees paid on an account with insufficient funds |
| | | 21 NCAC 12 .0817 | Unnecessary (process set out in G.S. 150B) |
| | | 21 NCAC 12 .0818 | Update the process for an aggrieved person to request a hearing before the Board |
| | | 21 NCAC 12 .0820 | Update the process when the Board issues a Notice of Hearing |
| | | 21 NCAC 12 .0826 | Clarify hearing process if a party fails to appear |
| | | 21 NCAC 12 .0827 | Update the subpoena rule to reference NC Rule Civ P 45 |
| | | 21 NCAC 12 .0829 | Clarify the process for issuing final decisions after a board hearing |
| | | 21 NCAC 12 .0830 | Clarify the process for issuing final decisions after a hearing before an ALJ |

Authority G.S. 86A-5(a)(1); 86A-15; 86A-16.

CHAPTER 12 – STATE LICENSING BOARD FOR GENERAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Licensing Board for General Contractors intends to adopt the rules cited as 21 NCAC 12 .0304, .0404, amend the rules cited as 21 NCAC 12 .0101, .0103, .0202, .0204, .0205, .0207, .0208, .0211, .0303, .0501-.0506, .0701-.0703, .0818 .0820, .0826, .0827, .0829, .0830, and repeal the rules cited as 21 NCAC 12 .0301, .0302, .0305, .0402, .0408, .0410, and .0817.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.nclbgc.org

Proposed Effective Date: April 1, 2018

Public Hearing:

Date: December 13, 2017

Time: 9:00 a.m.

Location: 5400 Creedmoor Rd, Raleigh, NC 27612

Reason for Proposed Action:

21 NCAC 12 .0101 Clarify the commonly-used name of the Board and update the mailing address

21 NCAC 12 .0103 Clarify the title of senior staff and the manner in which the Board conducts meetings

Comments may be submitted to: Frank Wiesner, North Carolina Licensing Board for General Contractors, 5400 Creedmoor Rd, Raleigh, NC 27612; phone (919) 571-4183; fax (919) 571-4703; email Frank.Wiesner@nclbgc.org

Comment period ends: *January 16, 2018*

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

SECTION .0100 - ORGANIZATION AND RESPONSIBILITIES OF BOARD

21 NCAC 12 .0101 IDENTIFICATION

The ~~North Carolina State~~ Licensing Board for General Contractors, hereinafter referred to as the "North Carolina Licensing Board for General Contractors" or "the Board," is located in Raleigh, North Carolina; its mailing address is ~~Post Office Box 17487, 5400 Creedmoor Road, Raleigh, North Carolina 27619.~~ 27612. The Board website is www.nclbgc.org.

Authority G.S. 87-2.

21 NCAC 12 .0103 STRUCTURE OF BOARD

(a) Officers. Annually, during the April meeting, the Board shall elect from its members a Chairman and Vice-Chairman. The Chairman shall preside over all meetings of the Board and perform ~~such~~ other duties as he or she may be directed to do by the Board. The Vice-Chairman shall function as Chairman if the Chairman is unavailable.

(b) Secretary-Treasurer. In addition to those duties and responsibilities required of him or her by ~~the~~ G.S. 87-8, the Secretary-Treasurer, referred to as "Secretary-Treasurer" or "Executive Director," as the Board's Chief Administrative Officer, has the responsibility and power to:

- (1) employ the clerical and legal services necessary to assist the Board in carrying out the requirements of the North Carolina General Statutes;

- (2) purchase or rent whatever office equipment, stationery, or other miscellaneous articles as are necessary to keep the records of the Board;
- (3) make expenditures from the funds of the Board by signing checks, or authorizing the designee of the Secretary-Treasurer to sign checks, for expenditures after the checks are signed by the Chairman or Vice-Chairman; and
- (4) do such other acts as may be required of him or her by the Board.

(c) Official Meetings of the Board.

- (1) Regular meetings shall be held during January, April, July and October of each year at the Board's office or at any other place so designated by the Board.
- (2) Special Meetings. Special meetings shall be ~~held as set out in the bylaws of the Board.~~ called and conducted in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes.
- (3) Notice of Meetings. ~~Regular meetings of the Board shall be held after each Board member is duly notified by the Secretary-Treasurer of the date of the meeting. However, any person or persons requesting a special meeting of the Board shall, at least two days before the meeting, give notice to the other members of the Board of that meeting by electronic mail or notification on the Board's website. Such notice must specify the purpose for which the meeting is called.~~ Notice of all official meetings of the Board shall be given pursuant to Article 33C of Chapter 143 of the North Carolina General Statutes.

Authority G.S. 87-2; 87-4; 87-6; 87-7.

SECTION .0200 - LICENSING REQUIREMENTS

21 NCAC 12 .0202 CLASSIFICATION

(a) A general contractor ~~must~~ shall be certified in one of the following five classifications: ~~These classifications are as follows:~~

- (1) Building Contractor. This classification covers all building construction activity including: commercial, industrial, institutional, and all residential building construction. It includes parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine Construction), S(Masonry Construction), S(Roofing), S(Metal Erection),

- S(Swimming Pools), and ~~S(Asbestos)~~.
~~S(Asbestos), and S(Wind Turbine).~~
- (2) Residential Contractor. This classification covers all construction activity pertaining to the construction of residential units ~~which that~~ are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos).
- (3) Highway Contractor. This classification covers all highway construction activity including: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to ~~the a~~ principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction), S(Railroad Construction), and H(Grading and Excavating).
- (4) Public Utilities Contractor. This classification includes operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board ~~may~~ shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).
- (5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:
- (A) H(Grading and Excavating). This classification covers the digging, ~~moving moving~~, and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation ~~can may~~ be executed with the use of hand and power tools and machines ~~commonly~~ used for these types of digging, moving, and material placing. It covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. It also includes clearing and grubbing, and erosion control activities.
- (B) S(Boring and Tunneling). This classification covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface, including the bracing and compacting of such passageways to make them safe for the purpose intended. It includes preparation of the ground surfaces at points of ingress and egress.
- (C) PU (Communications). This classification covers the installation of the following:
- (i) all types of pole lines, and aerial and underground distribution cable for telephone systems;
 - (ii) aerial and underground distribution cable for cable TV and master antenna TV systems capable of transmitting R.F. signals;
 - (iii) underground conduit and communication cable including fiber optic cable; and
 - (iv) microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) S(Concrete Construction). This classification covers the construction and installation of foundations, pre-cast ~~silos~~ silos, and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots, and highways.

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| <p>(E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction, installation, alteration, maintenance, or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated <u>operated</u>, and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers.</p> <p>(F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating, trenching, and backfilling in connection therewith. It covers the installation, replacement <u>replacement</u>, and removal of above ground and below ground fuel storage tanks.</p> <p>(G) PU(Water Lines and Sewer Lines). This classification covers construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. It includes pavement patching, backfill, and erosion control as part of such construction.</p> <p>(H) PU(Water Purification and Sewage Disposal). This classification covers the performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters which <u>that</u> are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of such <u>the</u> work on water and wastewater treatment facilities.</p> | <p>(I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and ancillary lines and piping.</p> <p>(J) S(Interior Construction). This classification covers the installation of acoustical ceiling systems and panels, drywall partitions (load bearing and non-load bearing), lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets <u>cabinets</u>, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.</p> <p>(K) S(Marine Construction). This classification covers all marine construction and repair activities and all types of marine construction in deep-water installations and in harbors, inlets, sounds, bays, and channels; it covers dredging, construction <u>construction</u>, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include structures required on docks, slips <u>slips</u>, and piers.</p> <p>(L) S(Masonry Construction). This classification covers the installation, with or without the use of mortar or adhesives, of the following:</p> <ul style="list-style-type: none"> (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry; (ii) installation of fire clay products and refractory construction; and (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block. <p>(M) S(Railroad Construction). This classification covers the building, construction, and repair of railroad lines including:</p> |
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- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) ~~Construction~~ construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.
- (O) S(Metal Erection). This classification covers:
- (i) the field fabrication, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and
 - (ii) the layout, assembly and erection by welding, ~~bolting or riveting such~~ bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.
- (P) S(Swimming Pools). This classification covers the construction, service, and repair of all swimming pools. It includes:
- (i) excavation and grading;
 - (ii) construction of concrete, gunite, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
 - (iii) installation of all equipment including pumps, ~~filters~~ filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.
- (Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities.
- (R) S(Wind Turbine). This classification covers the construction, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.
- (b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, ~~that include which includes~~ passing the examinations for the classifications in question. The license granted to an applicant who meets the qualifications for all of the classifications set forth in ~~this Rule will carry with it a designation of~~ the rules of this Section shall be designated "unclassified."

Authority G.S. 87-1; 87-4; 87-10.

21 NCAC 12 .0204 LICENSE LIMITATIONS; ELIGIBILITY

- (a) Limited License. The applicant for a limited license ~~must~~ shall:

- (1) ~~Be~~ be entitled to be admitted to the examination given by the Board and ~~must~~ shall meet the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
 - (2) ~~Be~~ be financially stable to the extent that the total current assets of the applicant or the firm or corporation he ~~or she~~ represents exceed the total current liabilities by at least seventeen thousand dollars (\$17,000) or the total net worth of the applicant or firm is at least eighty thousand dollars (\$80,000);
 - (3) ~~Pass~~ pass the examination ~~given by the Board for which shall contain subject matter related to the specific contracting classification chosen by the applicant with a score of 70 percent or higher, as set out in Rule .0404 of this Chapter;~~ and
 - (4) ~~Provide~~ provide to the Board an audited financial statement with a classified balance sheet as part of the application, if the applicant or any owner, principal, or qualifier is in bankruptcy or has been in bankruptcy within ~~seven~~ five years prior to the filing of the application. This requirement ~~does~~ shall not apply to shareholders of an applicant that is a publicly traded corporation. The audited financial statement shall be prepared by a certified public accountant.
- (b) Intermediate License. The applicant for an intermediate license ~~must~~ shall:
- (1) ~~Be~~ be entitled to be admitted to the examination given by the Board and ~~must~~ shall meet the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
 - (2) ~~Be~~ be financially stable to the extent that the total current assets of the applicant or the firm or corporation he ~~or she~~ represents exceed the total current liabilities by at least seventy-five thousand dollars (\$75,000), as reflected in an audited financial statement prepared by a certified public ~~accountant or an independent accountant who is engaged in the public practice of accountancy;~~ accountant; and
 - (3) ~~Pass~~ pass the examination ~~given by the Board for which shall contain subject matter related to the specific contracting classification chosen by the applicant with a score of 70 percent or higher, as set out in Rule .0404 of this Chapter.~~
- (c) Unlimited License. The applicant for an unlimited license ~~must~~ shall:
- (1) ~~Be~~ be entitled to be admitted to the examination given by the Board and ~~must~~ shall meet the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
 - (2) ~~Be~~ be financially stable to the extent that the total current assets of the applicant or the firm or corporation he ~~or she~~ represents exceed the total current liabilities by at least one hundred fifty thousand dollars (\$150,000), as reflected
- in an audited financial statement prepared by a certified public ~~accountant or an independent accountant who is engaged in the public practice of accountancy;~~ accountant;
- (3) ~~Pass~~ pass the examination ~~given by the Board for which shall contain subject matter related to the specific contracting classification chosen by the applicant with a score of 70 percent or higher, as set out in Rule .0404 of this Chapter.~~
- (d) Surety Bonds. In lieu of demonstrating the ~~required~~ level of working capital ~~as required by in Subparagraphs (b)(2) and (c)(2) of this Rule or net worth under Subparagraph (a)(2) of this Rule,~~ an applicant may obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58 Articles 7, 16, 21, or 22. The surety shall maintain a rating from A.M. Best, or its successor rating organization, of either Superior (A++ or A+) or Excellent (A or A-). The bond shall be continuous in form and shall be maintained in effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the applicant demonstrates the required level of working ~~capital.~~ capital as required by Subparagraphs (b)(2) and (c)(2) of this Rule. The application form and subsequent annual license renewal forms shall require proof of a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of three hundred fifty thousand dollars (\$350,000) for a limited license, one million dollars (\$1,000,000) for an intermediate license, and two million dollars (\$2,000,000) for an unlimited license. The bond shall list the State of North Carolina as obligee and be for the benefit of any person who is damaged by an act or omission of the applicant constituting breach of a construction ~~contract or contract,~~ breach of a contract for the furnishing of labor, materials, or professional services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety cancel the bond, the surety and the applicant both shall notify the Board within 30 days in writing. If the applicant fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's cancellation, then the applicant's license ~~is~~ shall be suspended until written proof of compliance is provided.
- (e) Suspension. ~~After a suspension of four years, the applicant shall fulfill all requirements of a new applicant for licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule shall subject the applicant to additional disciplinary action by the Board.~~
- (f) ~~Reciprocity. An applicant that requests reciprocity as set forth in G.S. 87-15.1 must comply with all other requirements of the rules in this Chapter to be eligible to be licensed in North Carolina as a general contractor.~~
- (g)(e) Accounting Financial statements, accounting, and reporting standards. Financial statements submitted by applicants to the Board shall be no older than 12 months from the date of submission. Financial statements shall conform to United States "generally accepted accounting principles" (GAAP). The Board may require non-GAAP financial statements from applicants wherein the only exception to GAAP is that such presentation is

necessary to ascertain the working capital or net worth of the particular applicant. Examples of ~~such the~~ circumstances when non-GAAP presentation is may be necessary to ascertain the working capital or net worth of the applicant ~~are shall be~~ when the only exception to GAAP is that assets and liabilities are classified as "current" and "noncurrent" on personal financial statements and when the only exception to GAAP is that the particular applicant is not combined with a related entity into one financial statement pursuant to AICPA Financial Interpretation 46R (ASC 810). The terminologies, working capital, balance sheet with current and fixed assets, current and long term liabilities, and any other accounting terminologies, used herein shall be construed in accordance with GAAP Standards as promulgated by the Financial Accounting Standards Board (FASB). The terminologies, audited financial statement, unqualified opinion, and any other auditing terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted auditing standards" (GAAS) as promulgated by the American Institute of Certified Public Accountants (AICPA).

Authority G.S. 87-1; 87-4; 87-10; 87-15.1.

21 NCAC 12 .0205 QUALIFIER

~~(a) Any application made pursuant to G.S. 87-10 for a new applicant seeking qualification by employment of a person who has already passed an examination shall be completed and filed at least 30 days before any regular or special meeting of the Board. At such meeting, the Board shall consider the application.~~

~~(b)(a)~~ The qualifier for the applicant shall be a responsible managing employee, officer ~~officer~~, or member of the personnel of the applicant, as described in G.S. 87-10 and Rule .0408(a) of this Chapter, 87-10. ~~A person may serve as a qualifier for no more than two licenses. A person may not serve as a qualifier under this Rule if such person has not served as a qualifier for a license of the appropriate classification for more than four years prior to the filing of the application currently under review. A qualifier's examination credentials shall archive if the qualifier does not serve as a qualifier for an active licensee for a period of four consecutive years. Any subsequent attempts to qualify for a license shall require the qualifier to earn a passing grade. Subject to the provisions of G.S. 150B and Section .0800 of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person who has already passed an examination if such person has previously served as qualifier for a licensee that has been disciplined by the Board.~~

~~(c)(b)~~ The holder of a general contractors license ~~A licensee~~ shall notify the Board ~~immediately~~ in writing ~~as to the termination date~~ in the event ~~the qualifying individual or individuals cease a~~ qualifier ceases to be connected with the ~~licensee~~ licensee; the notice shall include the date on which the qualifier was last connected with the licensee. A qualifier shall also be required to notify the Board in writing in such circumstances. After such notice is filed with the Board, Board in writing, or the Board determines that the qualifying individual or individuals are ~~qualifier is~~ no longer connected with the ~~licensee~~ licensee if there are no additional qualifiers for the licensee, the license shall remain in full force and effect for a period of 90 days from the termination date, and then ~~is cancelled, becomes invalid unless a~~

qualifier has transferred a valid qualifying credential, as provided by G.S. 87-10(e); 87-10. Holders of a general contractors license are entitled to reexamination or replacement of the qualifying individual's credentials in accordance with G.S. 87-10, but may not engage in the practice of general contracting for any project whose cost exceeds the monetary threshold set forth in G.S. 87-1 after the license has been cancelled, until another qualifying individual has passed an examination.

(c) Persons associated with a firm or corporation may take the required examination on behalf of the firm or corporation under certain conditions. The conditions are described in G.S. 87-10. A partner may take an examination on behalf of a partnership.

(d) "Responsible managing" as used in G.S. 87-10 shall describe a person who is engaged in the work of the applicant a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less.

(e) "Members of the personnel" as used in G.S. 87-10 shall describe a person who is a responsible managing employee of the applicant. A member of the personnel shall not be an independent contractor.

(f) An applicant or licensee may have more than one qualifier. If one person associated with the applicant fails, and another passes, the license will be granted to that applicant. A license will be issued only in the classification held by a qualifier who has passed an examination in that classification.

Authority G.S. 87-1; 87-4; 87-10; 87-11(a).

21 NCAC 12 .0207 JOINT VENTURE

A joint venture may practice general contracting in North Carolina if every principal or member of the joint venture is licensed to practice general contracting in North Carolina with the appropriate classification and at least one principal has the appropriate limitation, or if the joint venture obtains a general contracting license in its own name in accordance with G.S. 87-10 and these Rules. If an LLC is a joint venturer, all members and managers of the LLC shall be licensed to practice general contracting in North Carolina with the appropriate classification and limitation.

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0208 CONSTRUCTION MANAGEMENT

(a) The ~~term phrase~~ "undertakes to superintend or manage" as used in G.S. §87-1 to describe a person, firm, or corporation deemed to be a general contractor means that the person, firm, or corporation ~~is shall be~~ responsible for superintending or managing the construction of an entire project, and either contracts directly with subcontractors to perform the construction for the project or is compensated for superintending or managing the project based upon the cost of the project or the time taken to complete the project. The person, firm, or corporation ~~must shall~~ hold a general contracting license in the classifications and limitation applicable to the construction of the project.

(b) The ~~term phrase~~ "undertakes to superintend or manage" described in Paragraph (a) of this Rule ~~does shall~~ not include the following:

- (1) an architect or engineer licensed in North Carolina who is supervising the execution of design plans for the project owner and who does not contract directly with subcontractors to perform the construction for the project; or
- (2) subject to the conditions stated within this Subparagraph and Paragraph (c), any person, firm, or corporation retained by an owner of real property as a consultant, agent, or advisor to perform development-related functions, including:
 - (A) assisting with site planning and ~~design, design;~~
 - (B) formulating a development ~~scheme,~~ scheme;
 - (C) obtaining zoning and other ~~entitlements, entitlements;~~
 - (D) tenant selection and ~~negotiation,~~ negotiation;
 - (E) interfacing and negotiating with the general contractor, engineer, architect, other construction and design ~~professionals professionals,~~ and other development consultants with whom the land owner separately contracts, including, negotiating contracts on the owner's behalf, assisting with scheduling issues, ensuring that any disputes between such parties are resolved to the owner's satisfaction, and otherwise ensuring that such parties are proceeding in an efficient, coordinated manner to complete the ~~project, project;~~
 - (F) providing cost ~~estimates estimates,~~ bids, and budgeting, budgeting;
 - (G) monitoring the progress of development activities performed by other ~~parties, parties;~~
 - (H) arranging and negotiating governmental incentives and ~~entitlements, entitlements;~~ and
 - (I) selecting and sequencing sites for development.

(c) The exclusions set forth in Subparagraph (b)(2) ~~do shall~~ not apply, however, unless the following conditions are satisfied:

- (1) the owner has retained a licensed general contractor or licensed general contractors to construct the entire project or to directly superintend and manage all construction work in which the person, ~~firm firm,~~ or corporation has any involvement and ~~which that~~ would otherwise require the use of a licensed general ~~contractor, contractor;~~ and
- (2) the use of the person, ~~firm firm,~~ or corporation will not impair the general contractor's ability to communicate directly with the owner and to verify the owner's informed consent and ratification of the directions and decisions made

by the person, ~~firm firm,~~ or corporation to the extent that such directions or decisions affect the construction activities otherwise requiring the use of a licensed general contractor. For the purposes of this Subparagraph, the general contractor ~~is shall be~~ entitled to make a written demand for written verification from the owner of any directions given or decisions made by such a person, ~~firm firm,~~ or corporation on the owner's behalf. In that regard, if the general contractor delivers a written request directly to the owner asking that the owner confirm in writing that the owner desires that the general contractor perform consistent with a direction or decision made by such person, ~~firm firm,~~ or corporation:

- (A) the general contractor shall not be obligated to follow such direction or decision in question until such time as the owner provides written verification of the direction or decision; and
- (B) if the third party person, ~~firm firm,~~ or corporation whose direction or decision is being questioned by the general contractor attempts to itself provide the confirmation requested from the owner by the general contractor as provided above, such person, ~~firm firm,~~ or corporation shall be deemed to be "undertaking to superintend or manage" as described in Paragraph (a) of this Rule.

Authority G.S. 87-1; 87-4.

21 NCAC 12 .0211 MULTIUNIT BUILDINGS

~~For the purposes of determining whether or not the cost of the undertaking is thirty thousand dollars (\$30,000) or more under G.S. 87-1, and whether or not the value of any single project falls within the license limitations established by G.S. 87-10(a); (a) if a project consists of the construction or alteration of one or more buildings comprised of three or more units within each building, including apartments, condominiums, and townhomes, then all such units in a building shall be considered in determining the cost of the undertaking under G.S. 87-1 and the value of the project under G.S. 87-10(a); that fall under the requirements of the North Carolina Building Code, all structures and units on the same parcel of land shall be considered as a single project.~~ (b) if a project consists of the construction or alteration of one or more buildings that fall under the requirements of the North Carolina Residential Code, only structures and units on the same parcel of land shall be considered as one project.

Authority G.S. 87-1; 87-4; 87-10.

SECTION .0300 - APPLICATION PROCEDURE

21 NCAC 12 .0301 GENERAL

~~An applicant for a general contractor's license must apply to the Board on the form prescribed and furnished by the Board.~~

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0302 REQUEST

~~(a) A request for the required application form may be made at the address in Rule .0101 of this Chapter.~~

~~(b) The Board shall charge a fee to cover the cost of publishing and mailing the application package.~~

Authority G.S. 87-1; 87-10; 150B-19(5).

21 NCAC 12 .0303 APPLICATION FOR LICENSURE

~~(a) General. There is one application form prescribed by the Board for all applicants desiring to become licensed to engage in the business of general contracting in North Carolina regardless of limitation or classification of license desired and regardless of whether the applicant desires to be licensed by reciprocity or by examination. Applications for licensure shall contain the following:~~

- ~~(1) the Social Security Number of examinee(s) and qualifier(s) and tax identification numbers for corporate applicants;~~
- ~~(2) the applicant's contact information;~~
- ~~(3) the name of business under which licensee will be operating, if any;~~
- ~~(4) requested designation of license limitation and classifications;~~
- ~~(5) information about all crimes of which the applicant has been convicted;~~
- ~~(6) certified copies of court records reflecting information regarding all crimes of which the applicant and qualifier(s) have been convicted;~~
- ~~(7) information indicating whether the applicant or qualifier(s) has any disciplinary history with the Board or any other occupational licensing, registration, or certification agency;~~
- ~~(8) information establishing financial responsibility as required by G.S. 87-10(a) and Rule .0204 of this Chapter;~~
- ~~(9) letters of reference as prescribed in Rule .0308 of this Chapter; and~~
- ~~(10) the application fee as set forth in Rule .0304 of this Chapter.~~

~~(b) Contents. The application form requires the applicant to state which limitation and classification or classifications of license he or she is applying for and also to set forth the experience of the applicant or of his or her principal employees, as appropriate. In addition, the application form requires the applicant to give information concerning his or her personal history, including personal references.~~

~~(c) Reciprocity. Applicants for a license to engage in the practice of general contracting in North Carolina based on reciprocity must shall submit with the application form a copy of the applicant's license in the other state, certified by the other state licensing board as being a true copy of a valid license.~~

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0304 FEES

(a) The Board shall charge the following fees:

- (1) Application for limited license: \$75.00;
- (2) Application for intermediate license: \$100.00;
- (3) Application for unlimited license: \$125.00;
- (4) Application for increase in limitation: \$100.00 for increase to intermediate license and \$125.00 for increase to unlimited license;
- (5) Late renewal: \$10.00 per month for every month or part after the first day of January.

(b) All fees charged by the Board shall be non-refundable.

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0305 FILING ADDRESS

~~The completed application form and fee payment are to be filed at the address shown in Rule .0101 of this Chapter.~~

Authority G.S. 87-1; 87-10.

SECTION .0400 - EXAMINATION

21 NCAC 12 .0402 SUBJECT MATTER

~~(a) In light of the requirements of G.S. 87-10, the examinations given by the Board are designed to ascertain:~~

- ~~(1) the applicant's general knowledge of the practice of contracting in areas such as plan and specification reading, cost estimation, safety requirements, construction theory and other similar matters of general contracting knowledge;~~
- ~~(2) the applicant's knowledge of the practice of contracting within the classification or classifications of general contracting as indicated by the applicant to the Board in his application;~~
- ~~(3) the applicant's knowledge of the laws of the State of North Carolina relating to contractors, construction and liens, and the aspects and fundamentals of business management and operations.~~

~~(b) The content of the examination will depend on the classification or classifications of general contracting for which the applicant seeks licensure, as indicated by his application. Also, within the specialty contractor classification, examinations given by the Board are designed to test the applicant's knowledge of the particular trade, category or categories of specialty contracting indicated in his application.~~

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0404 PASSING GRADE

Persons taking the examination shall receive a score of at least 70 in order to pass the examination.

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0408 PERSON TAKING EXAMINATION

~~(a) Persons other than the applicant, if the applicant is an individual, may take the required examination under certain conditions. Persons associated with a firm or corporation may take the required examination on behalf of the firm or corporation under certain conditions. The conditions are described in G.S. 87-10. The term "responsible managing" as used in G.S. 87-10 to describe persons who may take an examination on behalf of an applicant means that the person shall be actively engaged in the work of the applicant a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less. The term "members of the personnel" as used in G.S. 87-10 to describe persons who may take an examination on behalf of an applicant means that the person shall be a responsible managing employee of the applicant and shall not be an independent contractor. A partner may take an examination on behalf of a partnership.~~

~~(b) More than one person associated with an applicant may take the required examination. If one person associated with the applicant fails, and another passes, the license shall be granted to that applicant.~~

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0410 FAILING EXAMINATION

Persons taking the examination must receive a score of at least 70 in order to pass the examination.

Authority G.S. 87-10.

SECTION .0500 - LICENSE

21 NCAC 12 .0501 LICENSE GRANTED

~~(a) Grant. Upon complying with the requirements of Article 1, Chapter 87 of the General Statutes of North Carolina and with the requirements of Section .0200 of this Chapter, the Board will grant the applicant a license to engage in the practice of general contracting within the appropriate limitation and classification.~~

~~(b)(a) Display. The license certificate granted by the Board, containing the signatures of the Chairman and the Secretary Treasurer, must be displayed at all times by the licensee at this place of business. License numbers shall be included on all contracts, advertisements, and licensee websites.~~

~~(b) If a licensee files Articles of Dissolution or the N.C. Department of the Secretary of State withdraws the licensee's Certificate of Authority, the Board shall archive the license.~~

Authority G.S. 87-1; 87-10; 87-12.

21 NCAC 12 .0502 TEMPORARY LICENSE

~~Under no circumstances will any special or~~ The Board shall issue a temporary license or permit be granted: only as required by G.S. 93B-15.1

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0503 RENEWAL OF LICENSE

~~(a) Form. The Board's renewal form shall require the applicant to include the following information: Applicants for renewal of license shall containing the following:~~

- ~~(1) whether there were any changes made in the status of the licensee's business during the preceding year; and the Social Security Number of the applicant and qualifier(s) and tax identification number for corporations, LLCs, or partnerships;~~
- ~~(2) a financial statement for the licensee's business. The financial statement need not be prepared by a certified public accountant or by a qualified independent accountant, but may be completed by the licensee on the form itself; the applicant's contact information;~~
- ~~(3) the name of business under which licensee will be operating, if any;~~
- ~~(4) information regarding any changes made in the status of the licensee's business, since the initial application or last renewal was submitted to the Board, whichever is later;~~
- ~~(5) confirmation of license limitation and classifications;~~
- ~~(6) information about all crimes of which the applicant has been convicted since the initial application or last renewal was submitted to the Board, whichever is later;~~
- ~~(7) documentation regarding all crimes referenced above;~~
- ~~(8) information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration or certification agency since the initial application or last renewal was submitted to the Board, whichever is later;~~
- ~~(9) a financial statement prepared by a representative of the licensee on a form provided by the Board, an acceptable substitute or by a certified public accountant to demonstrate continued financial responsibility pursuant to Rule .0204 of this Chapter; and~~
- ~~(10) the application fee as set forth in Rule .0304 of this Chapter and any accrued late fees.~~

(b) The Board shall require a licensee to submit an audited financial statement if there is any evidence indicating that the licensee may be unable to meet its financial obligations. A licensee shall be required to provide evidence of continued financial responsibility satisfactory to the Board, pursuant to Rule .0204 of this Chapter, if there are indications that the licensee is insolvent, financially unstable, or unable to meet its financial responsibilities. ~~Except as provided herein, evidence~~ Evidence of financial responsibility shall be subject to approval by the Board in accordance with the requirements of Rule .0204 of this Chapter.

(c) A licensee shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of its filing. A licensee in bankruptcy shall provide to the Board an audited financial statement ~~prepared by a certified public accountant~~ with a classified balance sheet as part of any

application for renewal. ~~A corporate licensee shall notify the Board of its dissolution, suspension of its corporate charter, or withdrawal of its Certificate of Authority within 30 days of such dissolution, suspension, or withdrawal.~~

(d) A corporate license shall not be renewed unless it is in good standing with the N.C. Department of the Secretary of State.

~~(d)(e)~~ Upon receipt of a written request by or on behalf of a licensee who is currently in good standing with the Board, is serving in the armed forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to file a tax return, the Board shall grant that same extension of time for complying with renewal application deadlines, for paying renewal fees, and for meeting any other requirement or conditions related to the maintenance or renewal of the license issued by the Board. The applicant shall furnish to the Board a copy of the military orders or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

Authority G.S. 87-1; 87-4; 87-10; 87-12; 87-13; 93B-15.

21 NCAC 12 .0504 INCREASE IN LIMITATION

(a) General. A person, ~~firm~~ firm, or corporation holding a valid license to engage in the practice of general contracting in North Carolina may apply for a different limitation by making application for such different limitation with the ~~Board on a form prescribed and furnished by the Board.~~ The application shall contain the following:

- (1) the Social Security Number of individual applicant, qualifier(s) and tax identification number for corporation, LLCs, or partnerships;
- (2) the applicant's contact information;
- (3) the exact name of the business as reflected on the previously issued license that is subject to the limitation increase application;
- (4) information regarding any changes made in the status of the licensee's business, since the initial application or last renewal was submitted to the Board, whichever is later;
- (5) confirmation of license limitation and classifications;
- (6) requested limitation;
- (7) an audited financial statement to be prepared by a certified public accountant to demonstrate financial responsibility pursuant to Rule .0204; and
- (8) the application fee as set forth in Rule .0304 of this Chapter.

~~(b) Request. A request for the required application form may be made at the address shown in Rule .0101 of this Chapter.~~

~~(c) Form. The application form for a change in limitation requires the applicant to set forth his professional qualifications and his present and past experience in general contracting. An audited financial statement prepared by a certified public accountant or by an independent accountant who is engaged in the public practice of accountancy is required with the application for change in limitation.~~

~~(d)(b)~~ Eligibility. An applicant ~~for a new limitation is~~ shall be eligible for ~~the requested change a new limitation if he or she possesses the qualifications for the limitations as set forth in~~

~~necessary in accordance with Rule .0204 of this Chapter with the exception that such applicant Chapter, except that he or she shall not be required to take a written examination. exam.~~

~~(e) Filing Deadline. An applicant who wishes to have his application considered for a change in limitation must file his application no later than the first day of the month preceding any regularly scheduled meeting of the Board. At such meeting the Board will consider the application. Regular meetings of the Board are in January, April, July and October of each year.~~

~~(f) Fees. The fees for issuance of limited, intermediate, and unlimited licenses are as provided by G.S. 87-10.~~

~~(g) Notice of Approval. Within two weeks after the regular meeting of the Board in which a timely filed application is considered, the Board will notify the applicant of its decision. If the application is approved, a certification of license in the new limitation will be issued by the Board and the applicant, as of the time of notice of the approval, may conduct himself or itself in accordance with the rights available under the limitation granted.~~

Authority G.S. 87-1; 87-10.

21 NCAC 12 .0505 MAINTAINING CURRENT ADDRESS; NOTIFICATION

~~Applicants for licensure and holders of a valid license shall notify the Board in writing of a change in address within 30 days from the date of the change.~~

(a) All licensees, applicants, and qualifiers shall notify the Board of any change in mailing address, phone number, or email address within 30 days from the date of the change. Notice shall be given in writing or through the Board's website portal for licensees.

(b) Notification from the Board shall be deemed received if mailed to the address provided by the licensee and shown in the records of the Board.

Authority G.S. 87-8.

21 NCAC 12 .0506 CHARGE FOR STATUS OF LICENSURE

The Board shall charge persons requesting a verified copy of all or part of its roster of licensed contractors a fee to cover the cost of copying and mailing. ~~The Board shall furnish copies free of charge to governmental entities.~~

Authority G.S. 87-8; 87-13; 150B-19(5).

SECTION .0700 – BOARD DISCIPLINARY PROCEDURES

21 NCAC 12 .0701 IMPROPER PRACTICE

(a) Complaint. Any person who believes that ~~any~~ a licensed general contractor is in violation of the provisions of G.S. 87-11 may ~~prefer charges~~ file a complaint with the Board against that person or corporation by setting forth in writing those charges and swearing to their authenticity. ~~The charges shall be filed with the Secretary Treasurer of the Board at the Board's address in Rule .0101 of this Chapter.~~ complaint shall be submitted to the Board.

(b) Preliminary or Threshold Determination:

- (1) A complaint filed in accordance with G.S. 87-11(a1) shall be forwarded to a staff investigator

for investigation. ~~Simultaneously, Within 30 days,~~ the Board shall forward a written notice of ~~and explanation of the charge to the person or corporation the complaint to the licensee and~~ qualifier(s) against whom the charge is made. The notice shall request a response from the ~~person or corporation so charged to show compliance with all lawful requirements for retention of the license.~~ licensee and qualifier(s). The Board shall send notice of the charge and of the alleged facts or alleged conduct by first class mail to the last known address ~~of the person or corporation, and by~~ email to the address of the licensee and qualifier(s).

- (2) After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:
 - (A) one member of the Board;
 - (B) the Secretary-Treasurer or his designee; and
 - (C) ~~either a staff person or Board member~~ agreed upon by the individuals listed above.
- (3) The review committee shall recommend to the Board that:
 - (A) The charge be ~~dismissed as unfounded or trivial;~~ dismissed;
 - (B) When the charge is admitted as true by the ~~respondent,~~ licensee and qualifier(s), the Board accept the ~~respondent's~~ licensee's and qualifier(s) admission of guilt and order the ~~respondent~~ licensee and qualifier(s) not to commit in the future the act or acts admitted by him to have been violated and not to violate any of the acts of misconduct specified in G.S. 87-11 at any time in the future; or
 - (C) The charge, whether admitted or denied, be presented to the full Board for a hearing and determination by the Board on the merits of the charge in accordance with the substantive and procedural requirements of the provisions of Section .0800 of this Chapter and the provisions of G.S. 87-11. Prior to the charge's being heard and determined by the Board, it may be resolved by consent order.
- (4) ~~The review committee shall not be required to notify the parties of the reasons for its recommendation.~~

~~(e) Board Determination. After a hearing, in accordance with the hearing requirements of Section .0800 of this Chapter, the Board shall make a determination of the charge based upon the requirements of G.S. 87-11.~~

Authority G.S. 87-4; 87-11; 150B-3; 150B-38.

21 NCAC 12 .0702 UNLICENSED PRACTICE

(a) Complaint. Any person who believes that ~~any a person, firm~~ firm, or corporation is in violation of the acts specified in G.S. 87-13 may ~~bring charges~~ file a complaint against that person, firm, or corporation. The ~~charges~~ complaint shall be filed with the ~~Secretary Treasurer of the Board at the Board's mailing address in Rule .0101 of this Chapter.~~ Board.

(b) Preliminary or Threshold Determination:

- (1) A complaint filed in accordance with G.S. 87-13 shall be forwarded to a staff investigator for investigation. Board staff shall investigate the charge to determine whether there is probable cause to believe that a party against whom a charge has been brought violated the provisions of G.S. 87-13.
- (2) After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:
 - (A) one member of the Board;
 - (B) the Secretary-Treasurer or his designee; and
 - (C) ~~either a staff person or Board member~~ agreed upon by the individuals listed above.
- (3) If the review committee ~~finds probable cause,~~ believes that probable cause exists that a person, firm, or corporation is practicing general contracting without a license, it shall ~~forward the decision along with the reasons for the decision and any evidence accumulated by it to Board counsel for appropriate action.~~ recommend to the Board that injunctive relief be sought. If the Board concurs with the review committee's recommendation, the investigation shall be forwarded to Board counsel to seek injunctive relief. If the review committee does not ~~find probable cause,~~ it shall notify the complainant. believe that the person, firm, or corporation is practicing general contracting without a license, it shall recommend to the Board dismissal of the complaint. Once dismissed, the Board shall notify the complainant.

Authority G.S. 87-1; 87-4; 87-13.

21 NCAC 12 .0703 FEE FOR SUBMITTAL OF BAD CHECK

(a) The Board shall charge ~~any~~ the maximum processing fee allowed by ~~law~~ G.S. 25-3-506 if a check submitted to the Board is subsequently returned ~~due to insufficient funds at or no account~~ in for any reason by a financial institution.

(b) Until such time as the drawer of the bad check has paid the prescribed fee, the drawer ~~will~~ shall not be eligible to take an examination, review an examination, obtain a license, or have the

license renewed. For the purpose of this Rule, "prescribed fee" shall mean the sum of:

- (1) the maximum processing fee described in Paragraph (a) of this Rule; allowed by G.S. 25-3-506;
 - (2) the renewal or application fee, whichever is applicable; and
 - (3) the late payment fee described in G.S. 87-10(e).
- (c) Any license ~~which that~~ has been issued or renewed based on a check which is ~~subsequently~~ returned to the Board ~~for reasons stated in Paragraph (a) of this Rule is~~ shall be invalid until such time as the drawer has paid the prescribed fee. The invalidity of the license or renewal shall be deemed to have commenced on the date of the issuance of the license or renewal.
- (d) Payment of the prescribed fee to the Board shall be made in the form of a cashier's ~~check or money order.~~ check, money order, credit card, or debit card.
- (e) In the event the drawer of the bad check fails to pay the prescribed fee, during which time the license or renewal lapses for four years, ~~no renewal shall be effected~~ the license shall not be renewed and the ~~drawer~~ licensee for whom the check was to benefit shall fulfill all requirements of a new applicant set forth in G.S. 87-10, 87-10 and Rules .0303 and .0503 of this Chapter.

Authority G.S. 25-3-506; 87-4; 87-10.

SECTION .0800 - CONTESTED CASES

21 NCAC 12 .0817 RIGHT TO HEARING

~~When the Board acts or proposes to act, other than in rule making or declaratory ruling proceedings, in a manner which will affect the rights, duties, privileges or a license of a specific, identifiable person, such person has the right to an administrative hearing. When the Board proposes to act in such a manner, it shall give such person notice of their right to a hearing by mailing by certified mail to them at their last known address a notice of the proposed action and a notice of a right to a hearing.~~

Authority G.S. 87-11(b); 150B-11; 150B-38.

21 NCAC 12 .0818 REQUEST FOR HEARING

~~(a) Any time an aggrieved person believes his rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing pursuant to Rule .0817 of this Section, the aggrieved person may file a request for an administrative hearing.~~

~~(b) Before an aggrieved person may file a request he must first exhaust all reasonable efforts to resolve the issue informally with the Board.~~

~~(c)(a) Subsequent to such informal action, if still dissatisfied, the~~ An aggrieved person shall may submit a request in writing to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request shall contain the following information:

- (1) Name name and address of the aggrieved ~~person;~~ person;
- (2) A a statement of the action taken by the Board which that is challenged, challenged; and

(3) A a statement of the way in which the aggrieved person has been aggrieved, and aggrieved.

(4) A request for a hearing.

~~(d)(b) An aggrieved person shall submit a request for an administrative hearing to the Board's office within 60 days of receipt of notice of the action taken by the Board which is challenged. The~~ Upon receipt of a request for a hearing, the Board shall acknowledge the request and schedule a hearing.

Authority G.S. 87-11; 150B-38.

21 NCAC 12 .0820 NOTICE OF HEARING

(a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall ~~contain the following information, in addition to the items specified in~~ comply with G.S. 450B-38(b); 150B-38(b).

- (1) ~~the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;~~
- (2) ~~the date, time, and place for a pre hearing conference, if any; and~~
- (3) ~~any other information deemed relevant to informing the parties as to the procedure of the hearing.~~

(b) If the Board determines that the public health, ~~safety~~ safety, or welfare requires such action, it may issue an order summarily suspending a license or permit. Upon service of the order, the licensee or permit holder to whom the order is directed shall ~~immediately~~ cease the practice of general contracting in North Carolina. The Board shall ~~promptly~~ give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

Authority G.S. 87-11(b); 150B-3(c); 150B-38.

21 NCAC 12 .0826 FAILURE TO APPEAR

Should a party fail to appear at a scheduled hearing, the Board, or the designated administrative law judge, may proceed with the hearing and make its decision in the absence of the party, provided that the party has been given proper ~~notice.~~ notice and unless otherwise directed by law. The Board ~~or the administrative law judge~~ may order a continuance in order to give the party another opportunity to ~~appear.~~ appear upon good cause shown.

Authority G.S. 87-11(b); 150B-38; 150B-40.

21 NCAC 12 .0827 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board and shall identify any document sought with specificity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and place for responding to the subpoena. The Board shall issue the requested subpoenas within three days of receipt of the request.

(b) Subpoenas shall contain: the caption of the case; the name and address of the person subpoenaed; the date, hour and location of the hearing in which the witness is commanded to appear; a

particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any; the identity of the party on whose application the subpoena was issued; the date of issue; the signature of the presiding officer or his designee; and a "return of service." The "return of service" form as filled out, shows the name and capacity of the person serving the subpoena, the date on which the subpoena was delivered to the person directed to make service, the date on which service was made, the person on whom service was made, the manner in which service was made, and the signature of the person making service.

(c) Subpoenas shall be served ~~by the sheriff of the county in which the person subpoenaed resides, when the party requesting such subpoena prepayes the sheriff's service fee, in a manner set forth in Rule 45 of the N.C. Rules of Civil Procedure. The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "return of service" form for each copy and properly return one copy of the subpoena, with the attached "return of service" form completed, to the Board.~~

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardship.

(f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(g) The party who requested the subpoena, in such time as may be granted by the Board, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(h) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(i) Promptly after the close of such hearing, a majority of the Board members with voting authority, or an administrative law judge assigned to the case pursuant to G.S. 150B-40(e), will rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

Authority G.S. 87-11(b); 150B-38; 150B-40.

21 NCAC 12 .0829 FINAL DECISION

In all cases heard by the Board, the Board ~~will~~ shall issue its decision within 60 days ~~after its next regularly scheduled meeting~~ following the close of the hearing. This decision will be the

prerequisite "final agency decision" for the right to judicial review.

Authority G.S. 87-11(b); 150B-38; 150B-42.

21 NCAC 12 .0830 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings, 26 NCAC 03 .0127. Any party may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be received within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.

(b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter, must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions shall bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of case).

(c) Any party may present oral argument to the Board upon request. The request must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, Board staff shall issue notice to all parties designating time and place for such oral argument.

(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered shall be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision shall be rendered by the Board within 60 days ~~of the next regularly scheduled meeting following the oral arguments, if any, from the date oral arguments were presented to the Board.~~ If there are no oral arguments presented, the decision shall be rendered within 60 days of the ~~next regularly scheduled board meeting following receipt of the written exceptions.~~ date on which the Board rendered its decision.

Authority G.S. 87-11(b); 150B-38; 150B-40.

* * * * *

CHAPTER 22 – HEARING AID DEALERS AND FITTERS BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Hearing Aid Dealers and Fitters Board intends to adopt the rules cited as 21 NCAC 22A .0402-.0404; 22F .0123, amend the rules cited as 21 NCAC 22A .0501, .0503; 22F .0104, .0105, .0107, .0108, .0201-.0203, .0208, .0301, .0303, and repeal the rule cited as 21 NCAC 22F .0122.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.nchalb.org/regulatory/rulereview.php

Proposed Effective Date: March 1, 2018

Public Hearing:

Date: December 4, 2017

Time: 1:00 p.m. - 2:00 p.m.

Location: 3535 Glenwood Ave, Raleigh, NC

Reason for Proposed Action: *The Board is adopting the above identified rules in order to comply with statutes. The Board is proposing amendment to the above identified rules because the Board desires to improve the rules by: 1) providing clarification and organization so that the rules are clear and unambiguous and 2) eliminating certain requirements so as to reduce the burden upon the licensees who must comply with the rules. The Board is repealing the above identified rule because it is considering the option to allow reciprocity to ease the burden for those who move from out of state.*

Comments may be submitted to: Caitlin Schwab-Falzone, 3801 Lake Boone Trail, Ste 190, Raleigh, NC 27607; phone (919) 834-3661; email info@nchalb.org

Comment period ends: January 16, 2018

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

SUBCHAPTER 22A - BOARD RULES

SECTION .0400 – DEFINITIONS

21 NCAC 22A .0402 ABBREVIATIONS

The Board hereby establishes the following abbreviations to be applied throughout this Chapter:

- (1) IHS - International Hearing Society.

- (2) ILE - International Licensing Examination for Hearing Healthcare Professionals.

Authority G.S. 93D-3.

21 NCAC 22A .0403 FORMS

(a) F1 Form – Apprentice Registration Application. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit a F1 form when submitting an apprentice registration electronic application for a new apprenticeship or to renew or replace an apprenticeship certificate. It requires the following:

- (1) the sponsor last name;
- (2) the reason for application by applicant;
- (3) the sponsor license number and first and last name;
- (4) the applicant first and last name, email address, and name to be printed on certificate;
- (5) the apprentice business location, including business name, address, city, state zip code, county, and phone number;
- (6) the apprentice mailing address;
- (7) the education information including high school/GED school name, city, county, state, and year completed;
- (8) acknowledgement of audiometer calibration certificate;
- (9) acknowledgement of passport photo requirement;
- (10) answering questions regarding the plan of supervision;
- (11) acknowledgement of F1 Affidavit;
- (12) acknowledgement of background check;
- (13) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);

- (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
- (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
- (K) will you be working under the supervision of a Registered Sponsor for less than 27 hours per week; and

(11) selection of payment options.

(b) F4 Form – Application for License and Exam Registration. An apprentice or out of state applicant shall submit a F4 form when submitting an application for licensure and exam registration. It requires the following:

- (1) the email address, first, and last name of applicant;
- (2) the reason for application by applicant;
- (3) the name as applicant wishes to have it printed on license;
- (4) selection of exam part, exam period and exam time preference;
- (5) acknowledgement of exam reminders;
- (6) acknowledgement of additional required documents;
- (7) selection of payment options;
- (8) the education information including high school/GED school name, city, county, state, and year completed;
- (9) acknowledgement of background check;
- (10) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;

- (H) have you ever been named as a party in a civil action (legal proceeding);
- (I) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
- (J) will you be engaged in fitting and selling hearing aids for less than 27 clock hours per week;

(11) the business address information of applicant; and

(12) attestation of duly made application.

(d) F7 Form – Verification of License. An out of state or military spouse applicant shall submit a F7 verification of license form when submitting an application for licensure and exam registration. It requires the following:

- (1) authorization from the applicant for a state board, other than N.C., having control of any documents, records and other information pertaining to the applicant to furnish to the Board information, including documents, records regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent information;
- (2) license verification by providing: the applicant first and last name, the board and State, the licensure status, the license number, the issue and expiration date of license;
- (3) education verification if applicant has an audiology degree on file;
- (4) discipline information by answering the following yes or no questions:
 - (A) has the applicant ever been the subject of complaints or charges received by your board;
 - (B) has the applicant ever been warned, censured or disciplined in any manner by your board;
 - (C) has any application by the above applicant for initial licensure or reinstatement ever been denied; and
- (5) board seal, signature and title of person filling out information, and date.

(d) F10 Form - Application for License and Exam Registration for Military-Trained applicant or Military Spouse applicant. An applicant for apprentice registration shall submit a F10 form when submitting an application for licensure and exam registration. It requires the following:

- (1) indication of whether the applicant is new or returning;
- (2) the applicant first and last name, and email address;
- (3) the applicant business location, including business name, address, city, state zip code, county, and phone number;
- (4) the applicant mailing address;
- (5) the reason for application;

- (6) selection of exam part, exam period and exam time preference;
- (7) selection of option to mail or electronically submit required documentation;
- (8) the education information including high school/GED school name, city, county, state, and year completed;
- (9) the military program of training (if applying as military-trained applicant);
- (10) the experience in fitting and selling hearing aids;
- (11) acknowledgement of background check; and
- (12) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
 - (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability); and
 - (K) will you be working under the supervision of a registered sponsor for less than 27 hours per week?

21 NCAC 22A .0404 AFFIDAVITS

(a) F1 Apprentice Registration Affidavit. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit an F1 affidavit when submitting an apprentice registration electronic application. It requires the following:

- (1) the date of electronic application;
- (2) the sponsor first and last name, license number or registered sponsor certificate number;
- (3) the apprentice applicant first and last name, social security number, and date of birth of applicant;
- (4) attestation by the applicant and sponsor of the following: I hereby affirm that I have completed the Apprentice Registration Application ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (see 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;
- (5) applicant's and sponsor's signature; and
- (6) notarization.

(b) F4 Application for License and Exam Registration Affidavit. An apprentice or out of state applicant shall submit an F4 affidavit when submitting an application for licensure and exam registration. It requires the following:

- (1) the date of electronic application;
- (2) the first and last name, social security number, and date of birth of applicant;
- (3) attestation by the applicant of the following: I hereby affirm that I have completed the Application for License/Exam Registration ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (as defined in 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read

Authority G.S. 93B-8.1; 93B-15.1; 93D-3; 93D-5; 93D-6; 93D-8; 93D-9; 93D-11; 93D-13.

and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;

(4) applicant's signature; and

(5) notarization.

(b) F6 Waiver of Apprenticeship Requirement Affidavit. An out of state applicant or military spouse applicant shall submit an F6 affidavit when submitting an application for licensure and exam registration. It requires the following:

(1) the date of electronic application;

(2) the first and last name of applicant;

(3) attestation by the authorized board representative of the following: I hereby affirm that I am an authorized representative of the Board shown below; that I have reviewed the Board's official records regarding the above-named applicant; that applicant is currently licensed and has been continuously licensed in the state or jurisdiction of (insert jurisdiction) for the past three consecutive years immediately preceding this affidavit; and that a Verification of Licensure form (F7-VOL) has been completed to supplement this affidavit.; and

(4) the date when giving attestation, first and last name of authorized board representative, title of representative, name of board, and board seal.

Authority G.S. 93B-14; 93B-15.1; 93D-3; 93D-5; 93D-8; 93D-9; 93D-13.

SECTION .0500 – FEES AND APPLICATIONS

21 NCAC 22A .0501 FEE SCHEDULE

The Board hereby establishes the following fees:

- | | | |
|-----|--|------------------------------|
| (1) | Application for registration as an apprentice | \$100.00 |
| (2) | Renewal of apprentice registration | \$150.00 |
| (3) | Application for registration of a Registered Sponsor not otherwise licensed by the Board | \$150.00 |
| (4) | Application for a license fee | \$250.00 \$425.00 |
| (5) | Examination fee | \$300.00 \$75.00 |
| (6) | Issuance of certificate of license after successfully passing examination | \$ 25.00 |
| (7) | To reissue a suspended license more than 90 days after but not more than two years after license suspended | \$200.00 |
| (8) | Annual license renewal | \$250.00 |
| (a) | Late fee: 60 days or fewer after license expiration (in addition to renewal fee) | \$ 25.00 |
| (b) | Late fee: more than 60 days after license expiration (in addition to renewal fee) | \$ 50.00 |

- | | | |
|------|---|----------|
| (9) | For approval of a continuing education program provider | \$ 40.00 |
| (10) | Verifying and recording attendance at a continuing education program (per program, per person) | \$ 15.00 |
| (11) | For a continuing education make-up class provided by the Board (per person, per day) | \$ 50.00 |
| (12) | For a voluntary apprentice training workshop (per person, per day) | \$ 50.00 |
| (13) | For a license examination preparation course provided by the Board (per person, per day) | \$ 50.00 |
| (14) | Processing fee for a check on which payment has been refused by the payor bank because of insufficient funds or because the drawer did not have an account at that bank | \$ 25.00 |

Authority G.S. 12-3.1; 25-3-506; 93D-3; 93D-5; 93D-8; 93D-9; 93D-11; 93D-13.

21 NCAC 22A .0503 SUBMISSION OF APPLICATIONS AND FEES

(a) Each applicant for a license shall submit an electronic application for licensure and exam registration located on the Board's website, www.nchalb.org, each time the applicant applies to take any portion of the exam. The application shall be considered a duly made application upon submission and receipt of the following:

- | | |
|-----|---|
| (1) | <u>for an out of state applicant: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.</u> |
| (2) | <u>for an apprentice: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, and necessary fees.</u> |
| (3) | <u>for a military trained applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, proof of military training, ILE score transfer letter from IHS (if applicable), and necessary fees.</u> |
| (4) | <u>for a military spouse applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.</u> |

~~(a)~~(b) The Board shall accept a digital image of a signed affidavit or other document required as part of an application as the original when submitted electronically in conjunction with the electronic application.

~~(b)~~(c) If an applicant submits an incomplete application, the Board office shall notify the applicant of the documents or any material otherwise needed in order for the application to be considered a duly made application. The application shall be classified as "abandoned by the applicant" if a duly made application is not submitted to and received by the Board office by the exam registration deadline, if after 14 days of the electronic

~~transmission of the application to the Board the application is not a duly made application, as defined in 21 NCAC 22A .0401. The Board shall not apply any fee paid or document submitted for the abandoned application to any other application. It is the responsibility of the applicant and the sponsor, if any, to ensure that all supplemental documents requested in the application are submitted by the exam registration deadline, within 14 days if all documents are not electronically submitted with the application. This Rule shall not extend an application deadline set forth in any other rule of this Chapter.~~

~~(e)(d)~~ The exam registration deadline shall be 45 days prior to the examination date. An applicant may be denied admission to an exam if an application is submitted after the registration deadline, based on proximity to examination date, availability of space in the examination, and the applicant or the applicant's sponsor's past history of compliance with the Board's rules. An applicant denied admission to an examination due to late registration shall be registered for the next scheduled examination, if otherwise eligible.

(e) Part D will be the ILE as administered by the IHS. For applicants registering to take Part D of the Board's licensing exam, the applicant will receive electronic notification from the IHS with further instructions on how to register for Part D of the exam, and instructions on how to pay the ILE examination fee. The ILE examination fee shall be paid directly to the IHS.

(f) An applicant shall submit a new application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the applicant registers for Parts A, B, C, and D of the licensing exam. However, the Board shall waive the application for license fee and the exam registration fee but not the ILE examination fee for any applicant that is only taking Part D.

(g) All applicants shall reapply for a license by examination within the time prescribed in Paragraph (d) of this Rule each time they take and fail to pass the licensing examination.

~~(d) No later than 14 days after an apprentice has held a valid apprentice registration certificate for 365 days, the apprentice shall make application to take the next scheduled licensing examination. All apprentices shall reapply for a license by examination within the time prescribed in Paragraph (e) of this Rule each time they take and fail to pass the licensing examination.~~

~~(e) No later than 20 days after the date printed on the Official Notice of Examination Results, a registered apprentice who failed to pass the qualifying examination shall make application to renew the apprentice certificate or the sponsor shall submit written notice to the Board that the apprenticeship is being terminated by the current expiration date of the certificate.~~

~~(f)(h)~~ The Board shall deny a late duly made application, except as set forth in Paragraph ~~(e)(d)~~ of this Rule.

~~(g)(i)~~ In computing the time stated in the rules of this Chapter, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

Authority G.S. 25-3-506; 93D-3(c); 93D-5; 93D-9.

SUBCHAPTER 22F - LICENSING PROVISIONS

SECTION .0100 - EXAMINATION

21 NCAC 22F .0104 QUALIFICATIONS FOR LICENSURE

In order to be issued a license by the Board:

- (1) Each applicant for licensure shall submit an application for licensure and exam registration as set forth in 21 NCAC 22A .0503;
- (2) Each applicant for licensure shall show to the Board the requirements in G.S. 93D-5a. The Board may require supplemental information for applications to determine the qualifications of each licensee, registered applicant, and registered apprentice, as set forth in these Rules and in G.S. 93D. The Board will require supplemental information on a case-by-case basis including issues raised on the applicant's criminal background check or discrepancies in the application. Supplemental information may include letters of recommendation, affidavits, official transcripts, and personal appearances before the Board;
- (3) The applicant shall pass all parts of the Board's licensing exam as set forth in 21 NCAC 22F .0105. In the event an out of state applicant, military trained applicant, or military spouse applicant has previously taken and successfully passed Part D of the Board's licensing exam, this applicant shall submit an ILE score transfer letter from the IHS so as not to re-take Part D; and
- (4) Each applicant shall complete one full year of apprenticeship, with exception to those eligible for waiver under G.S. 93D-5(c) or those applying for licensure pursuant to 21 NCAC 22F .0123.

~~(a) The Board may require supplemental information for applications to determine the qualifications of each licensee, registered applicant, and registered apprentice, as set forth in these Rules and in Chapter 93D of the General Statutes of North Carolina. Supplemental information may include letters of recommendation, affidavits, photographs, official transcripts, and personal appearances before the Board.~~

~~(b) An apprentice may elect to take Part A, Part B, or Part C of the licensing exam at any time during the apprenticeship by submitting an application for license and exam registration prior to the registration deadline.~~

~~(c) An apprentice shall complete 365 days of apprenticeship prior to taking Part D of the licensing exam.~~

~~(d) The Board shall waive the application for license fee and the exam registration fee for an applicant's initial registration to take Part D of the exam only if the applicant took and passed Part A, Part B, and Part C prior to completing 365 days of apprenticeship.~~

~~(e) Except as provided in Paragraph (d) of this Rule, an applicant shall submit a new application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the applicant registers for any parts of the licensing exam.~~

~~(f) The Board shall not prorate the application for license fee or the exam registration fee for retesting an applicant who failed any part of the licensing exam.~~

Authority G.S. 93D-3(c); 93D-5; 93D-6; 93D-9.

21 NCAC 22F .0105 EXAMINATION

~~(a) The exam consists of four parts:~~

- ~~(1) **Part A** Part A. This part shall assess applicant's knowledge of hearing testing through a computer simulation program;~~
- ~~(2) **Part B** Part B. This part shall assess applicant's practical knowledge and ability to make an ear impression;~~
- ~~(3) **Part C** Part C. This part shall assess the applicant's knowledge of relevant laws, rules, and regulations governing hearing aid specialists; and~~
- ~~(4) **Part D** Part D. Part D will be the ILE as administered by the IHS. This part shall assess the applicant's knowledge of the following:

 - ~~(A) patient assessment;~~
 - ~~(B) interpretation and application of assessment results;~~
 - ~~(C) hearing devices;~~
 - ~~(D) the scope of practice of hearing aid specialists; and~~
 - ~~(E) ability to provide continuing care.~~
 - ~~(A) audiometry;~~
 - ~~(B) anatomy and physiology pertaining to the dispensing of hearing aids;~~
 - ~~(C) hearing aids;~~
 - ~~(D) hearing aid technologies; and~~
 - ~~(E) the scope of practice for hearing aid specialists.~~~~

~~(b) The Board shall annually review the contents and outcome of the previous qualifying examinations and shall determine the minimum performance criteria required for passing the examination. In accordance with G.S. 93B-8(a), each registered applicant shall be informed in writing of the requirements for passing the examination prior to the applicant taking the examination.~~

~~(c) An applicant shall pass all parts of the exam in order to receive a license.~~

~~(d) For a registered applicant who completes "one full year of apprenticeship," as defined in 21 NCAC 22A .0401, all exam results shall expire 31 months after the date of initial issuance of the apprentice certificate.~~

~~(e) If a registered applicant is exempt from the apprenticeship requirement, or takes an exam more than 31 months after the date of initial issuance of the apprentice certificate, the exam results shall expire 19 months after the date of the exam.~~

Authority G.S. 93B-8; 93D-1.1; 93D-3(c); 93D-8.

21 NCAC 22F .0107 EXAMINATION RESULTS

(a) The Board office shall communicate the examination results as follows:

- (1) issue a written notification concerning the applicant's performance on the qualifying examination to each registered applicant by mailing exam results to the mailing address provided by the applicant; and
- (2) if applicable, mail a copy of the applicant's exam results to the applicant's Registered Sponsor at the mailing address on file with the Board at the same time the results are mailed to the applicant.

~~(a) The office of the Board shall issue written notification concerning the applicant's performance on the qualifying examination to each registered applicant by mailing exam results to the mailing address provided by the applicant.~~

~~(b) A copy of the applicant's exam results shall be mailed to the applicant's Registered Sponsor at the mailing address on file with the Board at the same time the results are mailed to the applicant.~~

~~(c)(b) The deadline for the Board to mail exam results shall be 30 days after the examination. The Board shall mail exam results within 30 days after the examination.~~

~~(d)(c) The written notification shall be titled "Official Notice of Examination Results" with the date of the notice printed below the title.~~

(d) For a registered applicant who completes one full year of apprenticeship, all exam results shall expire 31 months after the date of initial issuance of the apprentice certificate.

(e) If a registered applicant is exempt from the apprenticeship requirement, or takes an exam more than 31 months after the date of initial issuance of the apprentice certificate, the exam results shall expire 19 months after the date of the exam.

(f) Notwithstanding Paragraphs (d) and (e) of this Rule, the exam results for Part D shall not expire.

Authority G.S. 93B-8; 93D-3(c).

21 NCAC 22F .0108 REVIEW OF EXAMINATION

(a) As set forth in G.S. 93B-8(e) G.S. 93B-8(c), each registered applicant who takes and does not pass the qualifying examination shall be granted an opportunity to review the failed portion of the examination that is in the custody and control of the Board in the presence of a representative of the Board, upon written request from the applicant.

(b) An applicant shall make a written request by completing the electronic form available on the Board website. The written request shall include the applicant's name and Exam ID number, contact phone number, e-mail address, and dates available for a review appointment.

(c) The deadline to request an exam review shall be 20 days after the date printed on the Official Notice of Examination Results.

(d) The Board shall conduct exam reviews at the Board's office by appointment.

(e) Pursuant to G.S. 93B-8(d), an applicant shall not have the privilege to review Part D of the licensing exam.

Authority G.S. 93B-8; 93D-3(c).

21 NCAC 22F .0122 RECIPROCITY

~~Whereas the Board is not compelled to issue any license pursuant to G.S. 93D-6, the Board shall not issue a license by reciprocity.~~

Authority G.S. 93D-3(c); 93D-5; 93D-6; 93D-9.

21 NCAC 22F .0123 MILITARY LICENSURE

(a) The Board shall issue a license to a military-trained applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(a).

(b) The Board shall issue a license to a military-trained applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(a2).

(c) The Board shall issue a license to a military spouse applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(b).

(d) The Board shall issue a "temporary practice permit" to a military-trained applicant or military spouse applicant while the military-trained applicant or military spouse is satisfying the requirements for licensure. The following provisions apply:

- (1) the applicant may perform duties within the scope of practice for a Hearing Aid Specialist only upon issuance of a temporary practice permit by the Board; and
- (2) the temporary practice permit shall remain valid for the later of one year or the renewal date for Hearing Aid Specialists or until a license is granted.

(e) No later than 30 days following receipt of a duly made application for licensure and exam registration under Section (a) and (b), the Board shall notify a military-trained applicant when the applicant's military training or experience does not satisfy the requirements for licensure, and shall specify the criteria or requirements that the Board determined that the applicant failed to meet and the basis for that determination.

(f) Notwithstanding any other rule in this Chapter, the Board shall not charge a military-trained applicant or a military spouse an initial application fee for a license, registration, or temporary practice permit issued pursuant to this Section. Pursuant to G.S. 93B-15.1, nothing in this Paragraph shall be construed to prohibit the Board from charging its ordinary fee for a renewal application or prohibit a third party from charging actual costs for a service such as a background check.

(g) The Board shall waive the license renewal fee and continuing education reporting fees and shall grant an extension of time for up to one year for completing and reporting continuing education credits for those licensees currently licensed and in good standing with the Board who are serving in the Armed Forces of the United States, and to whom G.S. 105-249-2 grants an extension of time to file a tax return.

Authority G.S. 93B-15; 93B-15.1; 93D-1.1; 93D-2; 93D-3(c); 93D-5; 93D-8; 93D-9.

SECTION .0200 - CONTINUING EDUCATION

**21 NCAC 22F .0201 CONTINUING EDUCATION
DEFINITIONS**

The following definitions apply to the Rules contained in this Section:

- (1) "CE Program" means a continuing education presentation where attendance is monitored and the participants are required to be present at one or more designated physical locations. The CE Program shall consist of sessions ~~which that~~ may be eligible for Board-approved CEU credit. A CE Program may be televised or conducted via the internet only if participants must be at a designated location where attendance is monitored by the CE Program provider.
- (2) "CEU accrual period" means the calendar year (January 1 through December 31) immediately preceding the March license renewal deadline.
- (3) "CEU reporting deadline" means the tenth day of January ~~which that~~ immediately follows the CEU Accrual Period.
- (4) "CEU Verification Report" means the electronic form available on the Board website (www.nchalb.org) for recording CEU credits earned to satisfy the license renewal requirement.
- (5) "Continuing Education Unit" (CEU) means the reporting unit used in calculating approved continuing education hours. One-tenth of a CEU (0.10) equals one hour of approved instruction. Ten hours of approved instruction equals 1.00 CEU credit. The Board-approved CEU credits are recorded to two decimal points (for example, a session conducted for two hours would be recorded as 0.20 CEU).
- (6) "Educational objective" means a statement of the working knowledge or understanding of presented content that a participant ~~should is~~ expected to attain upon completion of the session.
- (7) "Hour" means a full clock hour (60 minutes) of instruction and learning, excluding any time allowed for any other activity such as meals, breaks, or business or committee meetings.
- (8) "Program application" means the Board's official application for the purpose of program review for Board-approved CEU credit, which is available on the Board website.
- (9) "Presentation format" means the teaching method utilized to impart information to the participants (for example, lecture, panel discussion, demonstration, practicum, or debate).
- (10) "Report of Attendance" means the official attendance verification form entitled "Continuing Education Report of Program Attendance," which is available on the website in generic form and in specific form for approved programs and self-study.

- (11) "Self-study" means independently completed internet-based activities or events provided by the Board, or approved by the International Institute for Hearing Instruments Studies (IIHIS), American Speech-Language-Hearing Association (ASHA), or American Academy of Audiology (AAA), for at least one hour of credit that includes an internet-presented examination ~~pertaining to addressing~~ the content of the self-study session. Self-study may be:
- (a) live, online presentations;
 - (b) prerecorded, downloaded presentations; or
 - (c) text-based, downloaded readings.
- (12) "Session" means an instructional or learning event, with at least two primary educational objectives ~~pertaining to addressing~~ a single Board topic content category, and a specific amount of time allotted for accomplishing the specified objectives.
- (13) "Topic Content Categories" means a system to separate Board-approved sessions by content. "Category 1" is for amplification, hearing rehabilitation, hearing loss, regulations, and consumer-related issues. ~~amplification and hearing rehabilitation issues.~~ "Category 2" is for hearing loss, regulations, and consumer-related issues. ~~"Category 0" is assigned to unapproved sessions in a program when other sessions in the program are approved.~~

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0202 ANNUAL CONTINUING EDUCATION REQUIREMENTS

- (a) A licensee shall complete and record with the Board ~~ten~~ 10 hours (1.00 CEU credit) of Board-approved continuing education annually, from sessions assigned to ~~including at least five hours (0.50 CEU credit) classified as~~ Category 1 in accordance with Rule .0203 of this Section.
- (b) The CEU Accrual Period for each license renewal shall be the calendar year preceding license renewal. CEU credit cannot be carried over from one CEU Accrual Period to the next, even if the CEU credit earned exceeds the license renewal requirement.
- (c) An individual who passes the licensing exam during a CEU Accrual Period shall have satisfied the continuing education requirement for the corresponding license renewal.

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0203 CONTENT CATEGORIES

- (a) Sessions assigned to ~~Category 1~~ Category 1, or Category 2, as described ~~herein, in this Rule, shall~~ satisfy the continuing education requirement for license renewal. ~~Category 0 sessions, as described herein, do not satisfy any part of the continuing education requirement. Any session not assigned to Category 1 shall not be approved to satisfy the continuing education requirement for license renewal.~~

(b) Category 1 is for amplification, hearing rehabilitation, hearing loss, regulations, and consumer-related ~~and hearing rehabilitation~~ issues, and shall be assigned to continuing education sessions ~~which that~~ are comprised of the following topics:

- (1) hearing aid technology: instrument circuitry and acoustic performance data;
- (2) earmold or shell coupling systems: design, selection, modifications, and ear impressions;
- (3) hearing aid selection procedures, verification, fitting and adjustment techniques, and servicing or repairs; ~~and~~
- (4) aural rehabilitation using amplification: auditory training, hearing aid orientation and counseling techniques, and hearing aid validation ~~techniques.~~ techniques;
- (5) biological, physical, and behavioral bases underlying normal and pathological hearing processes;
- (6) detection, assessment, or monitoring of hearing impairment (such as measurement techniques and test interpretation), including intraoperative monitoring;
- (7) cochlear implants or implantable hearing devices;
- (8) central auditory processing;
- (9) assistive listening devices, including FM Systems and ancillary wireless devices;
- (10) techniques for development of speech and language in children with hearing loss, or augmentative and alternative communication strategies for children or adults with hearing loss;
- (11) cerumen management, dizziness, or tinnitus as it pertains to persons with hearing loss;
- (12) hearing impaired consumers' views of the hearing health care industry and consumer complaints;
- (13) infection control issues for the hearing health care profession;
- (14) professional conduct and regulatory issues pertaining to the fitting and selling of hearing aids; and
- (15) hearing aid business practices, such as hearing aid office management, sales contracts, and hearing aid marketing or industry trends.

(c) ~~Category 2 is for hearing loss, regulations, and consumer-related issues, and shall be assigned to continuing education sessions which are comprised of the following topics:~~

- (1) ~~biological, physical, and behavioral bases underlying normal and pathological hearing processes;~~
- (2) ~~detection, assessment, or monitoring of hearing impairment (such as measurement techniques and test interpretation), including intraoperative monitoring;~~
- (3) ~~cochlear implants or implantable hearing devices;~~
- (4) ~~central auditory processing;~~

- (5) ~~assistive listening devices, including FM Systems and ancillary wireless devices;~~
- (6) ~~techniques for development of speech and language in children with hearing loss, or augmentative and alternative communication strategies for children or adults with hearing loss;~~
- (7) ~~cerumen management, dizziness, or tinnitus as it directly pertains to persons with hearing loss;~~
- (8) ~~hearing impaired consumers' views of the hearing health care industry and consumer complaints;~~
- (9) ~~infection control issues for the hearing health care profession;~~
- (10) ~~professional conduct and regulatory issues pertaining to the fitting and selling of hearing aids; and~~
- (11) ~~hearing aid business practices such as hearing aid office management, sales contracts, and hearing aid marketing or industry trends.~~

(d) ~~Category 0 shall be assigned to all unapproved sessions in a continuing education program, including sessions comprised of the following programs, activities and topics:~~

- (1) ~~financial planning unrelated to the fitting or programming of hearing instruments;~~
- (2) ~~computer training unrelated to the fitting or programming of hearing instruments;~~
- (3) ~~employment contracts;~~
- (4) ~~balance mechanism or tinnitus, if not directly pertaining to persons with hearing loss;~~
- (5) ~~cerumen management, if not directly pertaining to persons with hearing loss;~~
- (6) ~~training designed for license examination preparation;~~
- (7) ~~factory tours, poster sessions, open forum sessions, and poster type sessions conducted at a CE Program where participants are free to determine the amount of time that they interact with multiple presenters; and~~
- (8) ~~all other topics not listed as approved for Category 1 or Category 2.~~

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0208 SELF-STUDY

- (a) Self-study may be completed to satisfy up to ~~five~~ all 10 hours of the continuing education requirement during each CEU Accrual Period.
- (b) Each self-study event shall be one session and up to ~~five~~ 10 sessions completed in the same CEU Accrual Period may be reported on one self-study Report of Attendance as a self-study program.
- (c) A licensee shall record self-study CEU credit with the Board by submitting all of the following:
 - (1) an electronic CEU Verification Report;
 - (2) a completed self-study Report of Attendance;
 - (3) an official transcript listing the licensee's score of 80 percent or greater on an Internet-

- (4) presented examination pertaining to the content of the self-study activity; and
 - the recording fee as set forth in Rule 21 NCAC 22A .0501 for each self-study program.
- (d) The Board shall accept electronic images of the self-study Report of Attendance and official transcripts when submitted electronically in conjunction with the CEU Verification Report.

Authority G.S. 93D-3(c); 93D-11.

SECTION .0300 – APPRENTICESHIPS

21 NCAC 22F .0301 APPRENTICESHIP REQUIREMENTS

(a) Pursuant to G.S. 93D-5 and G.S. 93D-9, an individual who seeks licensure from the Board shall first complete one full year of apprenticeship, with exception of those applicants eligible for waiver pursuant to G.S. 93D-5(c) or applying for licensure pursuant to 21 NCAC 22F .0123. ~~An individual who seeks a license under G.S. 93D shall complete "one full year of apprenticeship" as defined in 21 NCAC 22A .0401, unless the individual is eligible for waiver of the apprenticeship requirement under G.S. 93D 5(c) 1-5.~~

(b) In order to complete the one full year of apprenticeship, the applicant shall:

- (1) be sponsored by a Registered Sponsor; and
- (2) register with the Board by submitting a complete apprentice registration electronic application. The application shall be considered complete upon submission and receipt of the following: Under the supervision of the proposed sponsor, an individual shall complete the apprentice registration application and pay the fee as set forth in 21 NCAC 22A .0501.
 - (A) F1 form;
 - (B) F1 affidavit;
 - (C) audiometer calibration;
 - (D) passport style photograph;
 - (E) background check; and
 - (F) the application for registration as an apprentice fee as set forth in 21 NCAC 22A .0501(1).

(c) The Board shall accept a digital image of a signed affidavit or other document required as part of an application as the original when submitted electronically in conjunction with the electronic application. ~~An apprentice may perform duties within the scope of practice for a Hearing Aid Specialist under the registered sponsor's supervision only after the apprentice certificate is approved and posted on the Board's website.~~

(d) The Board may require supplemental information for applications to determine the qualifications of each applicant for apprenticeship, as set forth in these Rules and in G.S. 93D. The Board will require supplemental information on a case-by-case basis including issues raised on the applicant's criminal background check or discrepancies in the application. Supplemental information may include letters of recommendation, affidavits, official transcripts, and personal appearances before the Board. For an apprenticeship issued prior to the effective date of this Rule, the registered sponsor shall

~~provide general supervision to the apprentice until the expiration date of the apprentice certificate. For any renewal of an apprenticeship or issuance of an apprenticeship after the effective date of this Rule, the registered sponsor shall provide supervision in accordance with 21 NCAC 22F .0302.~~

~~(e) Once an apprentice registration application is complete and approved, the Board shall issue the applicant an initial apprentice registration certificate that allows him or her to perform duties within the scope of practice for a Hearing Aid Specialist under the Registered Sponsor's supervision. The Board shall post all active apprentice information on the Board's website, www.nchalb.org.~~

~~(f) An apprentice may elect to take any part of the licensing exam at any time during the apprenticeship by submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503 prior to the registration deadline.~~

~~(g) An apprentice is under Personal supervision unless and until an apprentice takes and passes Parts A, B, and C of the Board's licensing exam, at which point the apprentice will be under General supervision.~~

Authority G.S. 93D-1.1; 93D-3(c); 93D-5; 93D-9.

21 NCAC 22F .0303 CERTIFICATE EXPIRATION AND RENEWAL

(a) The initial apprentice registration certificate, and any subsequently issued replacement certificates issued within the first year of apprenticeship, shall expire after the apprentice has held a valid certificate for a total of 365 days.

(b) Within 14 days after the expiration of the initial apprentice registration certification, in order to continue performing duties within the scope of practice for a Hearing Aid Specialist under a Registered Sponsor's supervision, the apprentice shall renew the apprentice registration certificate by submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503(a)(2) to take the next scheduled licensing exam. ~~When an apprentice registers for the licensing examination in accordance with 21 NCAC 22A .0503(d), the Board shall extend the apprentice registration certificate, at no additional charge to the apprentice. The extended certificate shall expire 30 days after the date on the Official Notice of Examination Results for the apprentice.~~

(c) Within 20 days after the date on the Official Notice of Examination Results, if an apprentice who renewed by following Paragraph (b) of this Rule failed to pass all parts of the Board's licensing exam, then in order to continue performing duties within the scope of practice for a Hearing Aid Specialist under a Registered Sponsor's supervision, the apprentice shall renew the apprentice registration certificate by doing the following:

- (1) submitting a complete apprentice registration electronic application consisting of:
 - (A) F1 form;
 - (B) F1 affidavit;
 - (C) audiometer calibration;
 - (D) passport style photograph;
 - (E) background check; and
 - (F) the renewal of apprentice registration fee as set forth in 21 NCAC 22A .0501(2); and

- (2) submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503(a)(2) to take the next scheduled licensing exam.

~~An apprentice registration certificate obtained by renewal in accordance with 21 NCAC 22A .0501(2) shall expire 30 days after the date on the Official Notice of Examination Results of the next available exam.~~

~~(d) Any subsequent renewal of an apprentice registration certificate after Paragraph (b) or (c) by an apprentice who failed to pass all parts of the Board's licensing exam shall be done by following Paragraph (c) of this Rule.~~

~~(e) An apprentice registration certificate obtained by renewal in accordance with Paragraph (b), (c), or (d) of this Rule shall expire 30 days after the date on the latest Official Notice of Examination Results for the apprentice.~~

~~(f) A sponsor who no longer wishes to supervise an apprentice shall submit written notice to the Board that the apprenticeship is being terminated at the current expiration date of the certificate.~~

Authority G.S. 93D-3(c); 93D-5; 93D-9.

CHAPTER 26 – BOARD OF LANDSCAPE ARCHITECTS

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Board of Landscape Architects intends to readopt without substantive changes the rules cited as 21 NCAC 26 .0101, .0103, .0105, .0201, .0206, .0207, .0209-.0211, .0301, .0303, .0306, .0307, .0401, and .0510.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncbola.org/>

Proposed Effective Date: *March 1, 2018*

Public Hearing:

Date: *December 5, 2017*

Time: *10:00 a.m.*

Location: *Bailey and Dixon, LLP, Conference Room B, 434 Fayetteville Street, Suite 2500 Raleigh, NC 27601*

Reason for Proposed Action: *This set of rules just completed the review process and are being readopted.*

Comments may be submitted to: *Barbara Geiger PO Box 41225, Raleigh, NC 27629; phone (919) 850-9088; fax (919) 872-1598; email contact@ncbola.org*

Comment period ends: *January 16, 2018*

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)

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 26 .0101 AUTHORITY: NAME AND LOCATION OF BOARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0103 ORGANIZATION OF THE BOARD: OFFICERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0105 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - PRACTICE OF REGISTERED LANDSCAPE ARCHITECTS

21 NCAC 26 .0201 BOARD LISTING OF INDIVIDUAL AND FIRM NAMES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0206 NAME OF FIRM (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0207 APPLICATION OF PROFESSIONAL SEAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0209 UNPROFESSIONAL CONDUCT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0210 DISHONEST PRACTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0211 INCOMPETENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 26 .0301 EXAMINATION AND LICENSURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0303 LICENSE BY COMITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0306 REINSTATEMENT AFTER REVOCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 26 .0307 CONTINUING EDUCATION AS A CONDITION OF ANNUAL RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - RULES: PETITIONS: HEARINGS

21 NCAC 26 .0401 RULE MAKING PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - BOARD DISCIPLINARY PROCEDURES

21 NCAC 26 .0510 DISCIPLINARY REVIEW PROCESS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Human Resources Commission intends to readopt without substantive changes the rules cited as 25 NCAC 01J .1302, .1306-.1312, .1314-.1316, and .1318-.1320.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: March 1, 2018

Public Hearing:

Date: November 30, 2017

Time: 2:00 p.m.

Location: Learning Development Center, Coastal Conference Room, 101 West Peace Street, Raleigh, NC 27603

Reason for Proposed Action: *The aforementioned rules relate to the state's grievance process, including but not limited to, processes, available remedies, and attorney's fees. These rules are subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)(g).*

Comments may be submitted to: *Jessica Middlebrooks or Lars Nance, Office of State Human Resources, 1331 Mail Service Center, Raleigh, NC 27699-1331; phone (919) 807-4819; email Jessica.middlebrooks@nc.gov, lars.nance@nc.gov*

Comment period ends: *January 16, 2018*

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 (\geq \$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)

SUBCHAPTER 01J - EMPLOYEE RELATIONS

SECTION .1300 - EMPLOYEE APPEALS AND GRIEVANCE PROCESS

**25 NCAC 01J .1302 GENERAL AGENCY
GRIEVANCE PROCEDURE REQUIREMENTS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1306 BACK PAY (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1307 FRONT PAY (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1308 LEAVE (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1309 HEALTH INSURANCE
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1310 INTEREST (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1311 REINSTATEMENT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1312 CAUSES FOR
REINSTATEMENT (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1314 DISCRIMINATION,
HARASSMENT, OR RETALIATION (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1315 VOLUNTARY PROGRAMS OR
BENEFITS (READOPTION WITHOUT SUBSTANTIVE
CHANGES)**

**25 NCAC 01J .1316 REMEDIES FOR PROCEDURAL
VIOLATIONS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1318 CERTAIN REMEDIES NOT
AVAILABLE (READOPTION WITHOUT SUBSTANTIVE
CHANGES)**

**25 NCAC 01J .1319 SITUATIONS IN WHICH
ATTORNEY'S FEES MAY BE AWARDED
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01J .1320 ATTORNEY'S FEES MAY BE
AWARDED AS A RESULT OF A SETTLEMENT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

This Section contains information for the meeting of the Rules Review Commission October 19, 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

November 16, 2017 December 14, 2017
January 18, 2018 February 15, 2018

RULES REVIEW COMMISSION MEETING**MINUTES****October 19, 2017**

The Rules Review Commission met on Thursday, October 19, 2017, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew P. Atkins, Bobby Bryan, Anna Baird Choi, Garth Dunklin, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amanda Reeder, Abigail Hammond, Amber Cronk May, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 10:01 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the September 21, 2017 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS**Commission for Mental Health, Developmental Disabilities and Substance Abuse Services**

10A NCAC 27H .0205 and .0206 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

Social Services Commission

10A NCAC 97B .0401, .0402, .0403; 97C .0104, .0106, .0108, .0109, and .0111 - All rules were unanimously approved.

LOG OF FILINGS (PERMANENT RULES)**Pre-Reviewed Rules****Soil and Water Conservation Commission**

All rules were unanimously approved.

Office of the Commissioner of Banks

All rules were unanimously approved.

Department of Revenue

All rules were unanimously approved.

Local Government Commission

All rules were unanimously approved.

Prior to the review of the rules from the Local Government Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rules because of law firm conflicts.

Board of Dental Examiners

21 NCAC 16Y .0104 was unanimously approved.

*Non Pre-Reviewed Rules***Board of Agriculture**

All rules were unanimously approved.

Industrial Commission

04 NCAC 10J .0103 was unanimously approved.

The Commission received over 10 letters of objection in accordance with G.S. 150B-21.3(b2), requesting a delayed effective date and legislative review of 04 NCAC 10J .0103.

Matt Wolfe, legal counsel for the North Carolina Ambulatory Surgical Center Association and Surgical Care Affiliates, addressed the Commission.

Sean Rambo with Compass Surgical Care Partners, on behalf of North Carolina Ambulatory Surgical Center Association, addressed the Commission.

Corey Hess, with Surgical Care Affiliates, addressed the Commission.

Andy Ellen, with the North Carolina Retail Merchants Association, addressed the Commission.

Meredith Henderson, Executive Secretary with the agency, addressed the Commission.

Prior to the review of the rule from the Industrial Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rule because of law firm conflicts.

Commissioner of Insurance

11 NCAC 06A .0802 was unanimously approved.

Sheriffs Education and Training Standards Commission

All rules were unanimously approved.

Private Protective Services Board

All rules were unanimously approved.

Wildlife Resources Commission

All rules were unanimously approved.

Capital Facilities Finance Agency

All rules were unanimously approved.

Prior to the review of the rules from the Capital Facilities Finance Agency, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rules because of law firm conflicts.

Board of Architecture

All rules were unanimously approved with the following exception:

21 NCAC 02 .0217 was withdrawn at the request of the agency.

Prior to the review of the rules from the Board of Architecture, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal representation to the Board on rulemaking.

EXISTING RULES REVIEW**Medical Care Commission**

10A NCAC 13C – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Medical Care Commission, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the report because of a conflict.

Prior to the review of the report from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the report because of law firm conflicts.

Commission for Public Health

10A NCAC 42 – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 43D - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 44 - The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 02K – The Commission approved the report as submitted by the agency, with the exception that it reclassified Rule .0212 as “Necessary with Substantive Public Interest.” Commissioner Choi voted against reclassifying Rule .0212.

Commissioner of Agriculture

02 NCAC 58 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than January 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Soil and Water Conservation Commission

02 NCAC 59D, H - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than January 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Medical Care Commission

10A NCAC 13B - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than January 31, 2023 pursuant to G.S. 150B-21.3A(d)(2).

Prior to the review of the proposed readoption date from the Medical Care Commission, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the report because of a conflict.

Prior to the review of the proposed readoption date from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the report because of law firm conflicts.

Alarm Systems Licensing Board

14B NCAC 17 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than April 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

North Carolina Appraisal Board

21 NCAC 57 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Prior to the review of the proposed readoption date from the North Carolina Appraisal Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the proposed readoption because her law firm provides legal representation to the Board on rulemaking.

Department of Insurance

The Commission voted to extend the readoption deadline for Rules 11 NCAC 20 .0202 and .0204 from November 30, 2017 to no later than June 30, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Board of Dental Examiners

The agency requested a waiver of Rule 26 NCAC 05 .0211 for the report for 21 NCAC 16.

The waiver request was approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211.

The Commission will review the Board's report at its November 16, 2017 meeting.

Veterinary Medical Board

The agency requested a waiver of Rule 26 NCAC 05 .0211 for the report for 21 NCAC 66.

The waiver request was approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211.

The Commission will review the Board's report at its November 16, 2017 meeting.

State Human Resources Commission

25 NCAC 01J – The Commission denied the agency's request to reschedule the January 31, 2018 readoption deadline, with Commissioners Atkins and Poley voting against the denial.

Jessica Middlebrooks, the rulemaking coordinator with the agency, addressed the Commission.

COMMISSION BUSINESS

The Commission amended Rule 26 NCAC 05 .0211 to reflect changes in the periodic review schedule.

Commissioner Dunklin gave the Commission a brief update on the status of the lawsuit by the State Board of Education against the Rules Review Commission.

The meeting adjourned at 12:05 p.m.

The next regularly scheduled meeting of the Commission is Thursday, November 16th at 10:00 a.m

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

October 19, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Meredith Henderson	NC Industrial Commission
Mike Carpenter	NCHSA
Charlton Allen	NC Industrial Comm.
Andy Siler	NCRMA
Kendall McCardon	NC Industrial Commission
S. Mudd	DNCR
Andy Hutchins	NCIC
John Policastro	NC Automobile Dealers Association
Yolanda K. Smith	NCIC
Carrie Hollis	OSBM
Ami Chapp	NCCOB
Sean Ranko	NC ASC Assoc.
Laura Hansford	NCDOR
Laura Ruwe	DST
Cindy Aiken	DST
Anita MacMullan	NC Dept. of Agriculture
Catherine / Julie Platch	NC Bd of Architecture
Mgtt Wolfe	Parker Pop
Nancy Dana Harrison	NCDOT
Nadine Pfeiffer	DHHS - DHSR
Tina Cheng	NC DACS
Bob Martin	NC DPH

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32:10

NORTH CAROLINA REGISTER

NOVEMBER 15, 2017

1000

[illegible]



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 19, 2017

Christina L. Waggett
Department of Agriculture & Consumer Services
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 02 NCAC 58

Dear Ms. Waggett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the October 19, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than January 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 20, 2017
APO Review: September 23, 2017
Agriculture, Commissioner of
Total: 4**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>02 NCAC 58 .0105</u>	Necessary with substantive public interest
<u>02 NCAC 58 .0106</u>	Necessary with substantive public interest
<u>02 NCAC 58 .0107</u>	Necessary with substantive public interest
<u>02 NCAC 58 .0108</u>	Necessary with substantive public interest



**STATE OF NORTH CAROLINA
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Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 19, 2017

Christina L. Waggett
Department of Agriculture & Consumer Services
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **02 NCAC 59D, H**

Dear Ms. Waggett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the October 19, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than January 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3006
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
January 19, 2017
APO Review: March 26, 2017**

**Soil and Water Conservation Commission
Total: 16**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>02 NCAC 59D .0101</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0102</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0103</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0104</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0105</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0106</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0107</u>	Necessary with substantive public interest
<u>02 NCAC 59D .0108</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0101</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0102</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0103</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0104</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0105</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0106</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0107</u>	Necessary with substantive public interest
<u>02 NCAC 59H .0108</u>	Necessary with substantive public interest



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 19, 2017

Nadine Pfeiffer, Rulemaking Coordinator
Department of Health and Human Services
Medical Care Commission
2701 Mail Service Center
Raleigh, North Carolina 27699-2701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 13B**

Dear Ms. Pfeiffer:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the October 19, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than January 31, 2023.

Please note that certain rules are not subject to the readoption process pursuant to Session Law 2017-174, as Section 1.(b) directs the agency to repeal the rules "within 120 days after this act becomes law." Those rules have been struck through on the attached printout and shall not be scheduled for a readoption deadline.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
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Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
May 18, 2017
APO Review: July 22, 2017
Medical Care Commission
Total: 69**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 13B .1902</u>	Necessary with substantive public interest
<u>10A NCAC 13B .1915</u>	Necessary with substantive public interest
<u>10A NCAC 13B .1918</u>	Necessary with substantive public interest
<u>10A NCAC 13B .1925</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3001</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3101</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3102</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3110</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3204</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3205</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3302</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3303</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3502</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3503</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3701</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3702</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3704</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3705</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3706</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3707</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3801</u>	Necessary with substantive public interest
<u>10A NCAC 13B .3903</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4103</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4104</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4106</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4305</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4603</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4801</u>	Necessary with substantive public interest
<u>10A NCAC 13B .4805</u>	Necessary with substantive public interest
<u>10A NCAC 13B .5102</u>	Necessary with substantive public interest
<u>10A NCAC 13B .5105</u>	Necessary with substantive public interest
<u>10A NCAC 13B .5406</u>	Necessary with substantive public interest
<u>10A NCAC 13B .5408</u>	Necessary with substantive public interest

10A NCAC 13B .5411	Necessary with substantive public interest
10A NCAC 13B .5412	Necessary with substantive public interest
10A NCAC 13B .5413	Necessary with substantive public interest
10A NCAC 13B .6001	Necessary with substantive public interest
10A NCAC 13B .6002	Necessary with substantive public interest
10A NCAC 13B .6101	Necessary with substantive public interest
10A NCAC 13B .6102	Necessary with substantive public interest
10A NCAC 13B .6103	Necessary with substantive public interest
10A NCAC 13B .6104	Necessary with substantive public interest
10A NCAC 13B .6201	Necessary with substantive public interest
10A NCAC 13B .6202	Necessary with substantive public interest
10A NCAC 13B .6203	Necessary with substantive public interest
10A NCAC 13B .6204	Necessary with substantive public interest
10A NCAC 13B .6205	Necessary with substantive public interest
10A NCAC 13B .6206	Necessary with substantive public interest
10A NCAC 13B .6207	Necessary with substantive public interest
10A NCAC 13B .6208	Necessary with substantive public interest
10A NCAC 13B .6209	Necessary with substantive public interest
10A NCAC 13B .6210	Necessary with substantive public interest
10A NCAC 13B .6211	Necessary with substantive public interest
10A NCAC 13B .6212	Necessary with substantive public interest
10A NCAC 13B .6213	Necessary with substantive public interest
10A NCAC 13B .6214	Necessary with substantive public interest
10A NCAC 13B .6215	Necessary with substantive public interest
10A NCAC 13B .6216	Necessary with substantive public interest
10A NCAC 13B .6217	Necessary with substantive public interest
10A NCAC 13B .6218	Necessary with substantive public interest
10A NCAC 13B .6219	Necessary with substantive public interest
10A NCAC 13B .6220	Necessary with substantive public interest
10A NCAC 13B .6221	Necessary with substantive public interest
10A NCAC 13B .6222	Necessary with substantive public interest
10A NCAC 13B .6223	Necessary with substantive public interest
10A NCAC 13B .6224	Necessary with substantive public interest
10A NCAC 13B .6225	Necessary with substantive public interest
10A NCAC 13B .6226	Necessary with substantive public interest
10A NCAC 13B .6227	Necessary with substantive public interest



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 19, 2017

Jeff Gray, Rulemaking Coordinator
Alarm Systems Licensing Board
Post Office Box 1351
Raleigh, North Carolina 27602

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **14B NCAC 17**

Dear Mr. Gray:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the October 19, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than April 30, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Margaret Craven

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 17, 2017
APO Review: October 03, 2017
Alarm Systems Licensing Board
Total: 34**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>14B NCAC 17 .0101</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0102</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0103</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0104</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0105</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0106</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0107</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0108</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0201</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0202</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0203</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0204</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0205</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0206</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0207</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0208</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0209</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0210</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0301</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0302</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0303</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0304</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0305</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0306</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0307</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0401</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0402</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0403</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0501</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0502</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0503</u>	Necessary with substantive public interest
<u>14B NCAC 17 .0504</u>	Necessary with substantive public interest

14B NCAC 17 .0505 Necessary with substantive public interest
14B NCAC 17 .0506 Necessary with substantive public interest

DRAFT



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 19, 2017

Roberta Ouellette, Rulemaking Coordinator
North Carolina Appraisal Board
5830 Six Forks Road
Raleigh, North Carolina 27606

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **21 NCAC 57**

Dear Ms. Ouellette:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the October 19, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than December 31, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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Commission
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fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 17, 2017
APO Review: October 03, 2017
Appraisal Board
Total: 3**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>21 NCAC 57C .0101</u>	Necessary with substantive public interest
<u>21 NCAC 57D .0303</u>	Necessary with substantive public interest
<u>21 NCAC 57D .0311</u>	Necessary with substantive public interest

LIST OF APPROVED PERMANENT RULES
October 19, 2017 Meeting

AGRICULTURE, BOARD OF

<u>Restriction on Dispensing Raw Milk</u>	02 NCAC 09G .2010
<u>Nematode Advisory Service</u>	02 NCAC 37 .0203
<u>Eligible Expenses</u>	02 NCAC 52J .0901
<u>Application Guidelines</u>	02 NCAC 52J .0902

SOIL AND WATER CONSERVATION COMMISSION

<u>Approvals to Exercise the Power of Eminent Domain</u>	02 NCAC 59C .0303
<u>Purpose</u>	02 NCAC 59E .0101
<u>Definitions</u>	02 NCAC 59E .0102
<u>Requirements for Certification of Waste Management Plans</u>	02 NCAC 59E .0103
<u>Approved Best Management Practices (BMPS)</u>	02 NCAC 59E .0104
<u>Technical Specialist Designation</u>	02 NCAC 59E .0105
<u>Noncompliance with CREP Agreement</u>	02 NCAC 59F .0106
<u>Purpose</u>	02 NCAC 59G .0101
<u>Definitions</u>	02 NCAC 59G .0102
<u>Approval of Best Management Practices (BMPS)</u>	02 NCAC 59G .0103
<u>Approval of Water Quality Technical Specialists</u>	02 NCAC 59G .0104
<u>Application of BMP Approval and Technical Specialist Desi...</u>	02 NCAC 59G .0105

INDUSTRIAL COMMISSION

<u>Fees for Institutional Services</u>	04 NCAC 10J .0103
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BANKS, OFFICE OF THE COMMISSIONER OF

<u>Savings Institutions Division</u>	04 NCAC 16A .0101
<u>Supervisory Fee</u>	04 NCAC 16A .0104
<u>Restrictions: Payment of Dividends and Repurchase of Stock</u>	04 NCAC 16A .0105
<u>Petition for Adoption, Amendment or Repeal of Rules</u>	04 NCAC 16A .0201
<u>Notice of Rule-Making Hearings</u>	04 NCAC 16A .0202
<u>Rule-Making Hearings: General Information</u>	04 NCAC 16A .0203
<u>Petition for Declaratory Ruling</u>	04 NCAC 16A .0301
<u>Response of Commissioner of Banks to Petition</u>	04 NCAC 16A .0302
<u>Right to Hearing</u>	04 NCAC 16A .0401
<u>Informal Settlement</u>	04 NCAC 16A .0402
<u>Request for Hearing</u>	04 NCAC 16A .0403
<u>Notice of Hearing</u>	04 NCAC 16A .0404
<u>Intervention in an Administrative Hearing</u>	04 NCAC 16A .0405
<u>Depositions</u>	04 NCAC 16A .0406
<u>Subpoenas</u>	04 NCAC 16A .0407
<u>Service of Subpoenas</u>	04 NCAC 16A .0408
<u>Objection to Subpoena</u>	04 NCAC 16A .0409
<u>Forms</u>	04 NCAC 16C .0101
<u>Charter Application Restrictions</u>	04 NCAC 16C .0102
<u>Corporate Name</u>	04 NCAC 16C .0103

<u>Interim Savings Institutions</u>	04 NCAC 16C .0104
<u>Conversion to Savings Bank</u>	04 NCAC 16C .0105
<u>Form</u>	04 NCAC 16C .0201
<u>Branch Office Application Restrictions</u>	04 NCAC 16C .0202
<u>Forfeiture of Branch Office Final Approval</u>	04 NCAC 16C .0203
<u>Temporary Closing of Office</u>	04 NCAC 16C .0304
<u>Purchase of Branch</u>	04 NCAC 16C .0305
<u>Definitions</u>	04 NCAC 16C .0401
<u>Application: Guidelines for Approval by Administrator</u>	04 NCAC 16C .0402
<u>General Policies</u>	04 NCAC 16C .0403
<u>Unmanned Remote Service Unit Access Techniques</u>	04 NCAC 16C .0404
<u>Privacy of Account Data</u>	04 NCAC 16C .0405
<u>Form</u>	04 NCAC 16C .0501
<u>Acquisition Restrictions</u>	04 NCAC 16C .0502
<u>Fees</u>	04 NCAC 16C .0503
<u>Composition of Board of Directors</u>	04 NCAC 16D .0101
<u>Bylaws</u>	04 NCAC 16D .0103
<u>Voting by Proxy</u>	04 NCAC 16D .0201
<u>Form of Proxy</u>	04 NCAC 16D .0202
<u>Holders of Proxies</u>	04 NCAC 16D .0203
<u>Proxy Solicitation</u>	04 NCAC 16D .0204
<u>General Policies</u>	04 NCAC 16D .0301
<u>Retention: Reproduction and Disposition of Records</u>	04 NCAC 16D .0302
<u>Servicing Loans</u>	04 NCAC 16D .0401
<u>Appraisals</u>	04 NCAC 16D .0402
<u>Records with Respect to Loan</u>	04 NCAC 16D .0403
<u>Unsecured Loan Limit</u>	04 NCAC 16D .0405
<u>Loans to One Borrower</u>	04 NCAC 16D .0407
<u>Signature Cards</u>	04 NCAC 16D .0501
<u>Holding of Certificate or Passbook</u>	04 NCAC 16D .0502
<u>Negotiable Order or Withdrawal Accounts</u>	04 NCAC 16D .0504
<u>Securities</u>	04 NCAC 16D .0901
<u>Stock in Other Depository Institutions</u>	04 NCAC 16D .0902
<u>Board of Directors</u>	04 NCAC 16E .0103
<u>Bylaws</u>	04 NCAC 16E .0104
<u>Voting by Proxy</u>	04 NCAC 16E .0201
<u>Form of Proxy</u>	04 NCAC 16E .0202
<u>Holders of Proxies</u>	04 NCAC 16E .0203
<u>Proxy Solicitation</u>	04 NCAC 16E .0204
<u>General Policies</u>	04 NCAC 16E .0301
<u>Retention, Reproduction and Disposition of Records</u>	04 NCAC 16E .0302
<u>Required Policies</u>	04 NCAC 16E .0303
<u>Servicing Loans</u>	04 NCAC 16E .0401
<u>Appraisals</u>	04 NCAC 16E .0402
<u>Records with Respect to Loan</u>	04 NCAC 16E .0403
<u>Unsecured Loan Limit</u>	04 NCAC 16E .0404
<u>Loans to One Borrower</u>	04 NCAC 16E .0405

<u>Signature Cards</u>	04 NCAC 16E .0501
<u>Holding of Certificate or Passbook</u>	04 NCAC 16E .0502
<u>Liquidity</u>	04 NCAC 16E .0601
<u>Net Worth</u>	04 NCAC 16E .0602
<u>Securities</u>	04 NCAC 16E .0701
<u>Stock in Other Depository Institutions</u>	04 NCAC 16E .0702
<u>Permitted Activities</u>	04 NCAC 16F .0101
<u>Debt Limitation for Wholly-Owned Service Corporations</u>	04 NCAC 16F .0103
<u>Amendments to Articles of Incorporation or Bylaws</u>	04 NCAC 16F .0105
<u>Establishment of Finance of Subsidiaries</u>	04 NCAC 16F .0106
<u>Board Action Required</u>	04 NCAC 16F .0107
<u>Finance Subsidiary Transactions with Parent</u>	04 NCAC 16F .0108
<u>Issuance of Securities by Finance Subsidiaries</u>	04 NCAC 16F .0109
<u>Transfer of Proceeds</u>	04 NCAC 16F .0110
<u>Holding Company Subsidiaries and Financial Subsidiaries</u>	04 NCAC 16F .0111
<u>Notification to the Commissioner of Banks</u>	04 NCAC 16F .0112
<u>Examination of Financial Subsidiaries</u>	04 NCAC 16F .0113
<u>Definitions</u>	04 NCAC 16G .0103
<u>General Requirements</u>	04 NCAC 16G .0104
<u>Application for Conversion</u>	04 NCAC 16G .0105
<u>Confidential Information</u>	04 NCAC 16G .0106
<u>Required Provisions in Plan of Conversion</u>	04 NCAC 16G .0311
<u>Optional Provisions in Plan of Conversion</u>	04 NCAC 16G .0312
<u>Record Dates for Qualifying Deposits</u>	04 NCAC 16G .0313
<u>Liquidation Account</u>	04 NCAC 16G .0314
<u>Manipulative and Deceptive Devices</u>	04 NCAC 16G .0315
<u>Merger of Converted Savings Banks</u>	04 NCAC 16G .0316
<u>Information Prior to Approval of Plan of Conversion</u>	04 NCAC 16G .0404
<u>Notice of Filing</u>	04 NCAC 16G .0405
<u>Solicitations to Which Rules Apply</u>	04 NCAC 16G .0509
<u>Use of Proxy Soliciting Material to be Authorized</u>	04 NCAC 16G .0510
<u>Information to be Furnished to Members</u>	04 NCAC 16G .0511
<u>Requirements as to Proxy</u>	04 NCAC 16G .0512
<u>Material to be Filed</u>	04 NCAC 16G .0513
<u>Mailing Communication for Members</u>	04 NCAC 16G .0514
<u>False or Misleading Statements</u>	04 NCAC 16G .0515
<u>Prohibition of Certain Solicitations</u>	04 NCAC 16G .0516
<u>Vote at Members Meeting</u>	04 NCAC 16G .0606
<u>Notice to Members</u>	04 NCAC 16G .0607
<u>Elective Notice to Non-Voting Account Holders</u>	04 NCAC 16G .0608
<u>General</u>	04 NCAC 16G .0712
<u>Distribution of Offering Materials</u>	04 NCAC 16G .0713
<u>Estimated Price Information: Proxy Statements</u>	04 NCAC 16G .0714
<u>Prohibited Representations</u>	04 NCAC 16G .0715
<u>Underwriting Expenses</u>	04 NCAC 16G .0716
<u>Pricing Materials</u>	04 NCAC 16G .0717
<u>Order Forms for Purchasing of Capital Stock</u>	04 NCAC 16G .0718

<u>Withdrawal from Certificate Accounts</u>	04 NCAC 16G .0719
<u>Period for Completion of Sale</u>	04 NCAC 16G .0720
<u>Extension of Time to Complete Offerings</u>	04 NCAC 16G .0722
<u>Improperly Executed or Materially Incomplete Filings</u>	04 NCAC 16G .0822
<u>Additional Filing Requirements</u>	04 NCAC 16G .0823
<u>Application Signatures</u>	04 NCAC 16G .0824
<u>Requirements as to Paper and Printing</u>	04 NCAC 16G .0825
<u>Method of Preparation</u>	04 NCAC 16G .0826
<u>Information Unknown or not Reasonably Available</u>	04 NCAC 16G .0827
<u>Incorporation of Certain Information by Reference</u>	04 NCAC 16G .0828
<u>Presentation of Information</u>	04 NCAC 16G .0829
<u>Consent of Experts</u>	04 NCAC 16G .0830
<u>Consent of Persons About to Become Directors</u>	04 NCAC 16G .0831
<u>Amendments</u>	04 NCAC 16G .0832
<u>Post-Conversion Reports</u>	04 NCAC 16G .0833
<u>Definitions</u>	04 NCAC 16G .0908
<u>Prohibited Transfers</u>	04 NCAC 16G .0909
<u>Prohibition of Offers of Certain Acquisitions</u>	04 NCAC 16G .0910
<u>Exceptions</u>	04 NCAC 16G .0911
<u>Criteria for Denial</u>	04 NCAC 16G .0912
<u>Conversion in Connection with Acquisition</u>	04 NCAC 16G .1203
<u>Conversion in Connection with Merger</u>	04 NCAC 16G .1204
<u>Definitions</u>	04 NCAC 16H .0101
<u>Notice to Savings Institution</u>	04 NCAC 16H .0103
<u>Adoption of Plan</u>	04 NCAC 16H .0104
<u>Approved by Commissioner of Banks</u>	04 NCAC 16H .0105
<u>Short Form Mutual Stock Conversion</u>	04 NCAC 16H .0106
<u>Liquidation Account</u>	04 NCAC 16H .0107
<u>Waiver</u>	04 NCAC 16H .0108
<u>Definitions and Other Terms</u>	04 NCAC 16I .0702
<u>Standards for Approval of Acquisition: Duties and Conduct</u>	04 NCAC 16I .0703
<u>Investment Activities of Holding Companies</u>	04 NCAC 16I .0704
<u>Prior Written Approval Required</u>	04 NCAC 16I .0801
<u>Application Fees: Filings</u>	04 NCAC 16I .0802
<u>Confidential Information</u>	04 NCAC 16I .0803
<u>Required Application</u>	04 NCAC 16I .0901
<u>Acquisition Procedure</u>	04 NCAC 16I .0902
<u>Required Application</u>	04 NCAC 16I .1001
<u>Foreign Applicants</u>	04 NCAC 16I .1002
<u>Acquisition Procedure</u>	04 NCAC 16I .1003
<u>Registration</u>	04 NCAC 16I .1101
<u>Supervision</u>	04 NCAC 16I .1102
<u>Annual Reports</u>	04 NCAC 16I .1103
<u>Filings and Approval: Amendments to Articles and Bylaws</u>	04 NCAC 16I .1104
<u>Reports</u>	04 NCAC 16I .1105
<u>Books and Records</u>	04 NCAC 16I .1106
<u>Required Acquisition Application</u>	04 NCAC 16I .1201

<u>Conversion Procedure</u>	04 NCAC 16I .1202
<u>Plan of Conversion Requirements</u>	04 NCAC 16I .1203
<u>Required Application</u>	04 NCAC 16I .1301
<u>Acquisition Procedure</u>	04 NCAC 16I .1302
<u>Merger of a State Institution into a Federal Institution</u>	04 NCAC 16J .0101
<u>Merger of a Federal Institution into a State Institution</u>	04 NCAC 16J .0102
<u>Waiver</u>	04 NCAC 16J .0103
<u>Definitions</u>	04 NCAC 16K .0101
<u>Applications</u>	04 NCAC 16K .0102
<u>Consolidation or Merger of Two or More Savings Institutions</u>	04 NCAC 16K .0103
<u>Administration of Trust Powers</u>	04 NCAC 16K .0104
<u>Books and Accounts</u>	04 NCAC 16K .0105
<u>Audit and Trust Department</u>	04 NCAC 16K .0106
<u>Funds Awaiting Investment or Distribution</u>	04 NCAC 16K .0107
<u>Investment of Funds Held as Fiduciary</u>	04 NCAC 16K .0108
<u>Self-Dealing</u>	04 NCAC 16K .0109
<u>Custody of Investments</u>	04 NCAC 16K .0110
<u>Compensation of Savings Institutions</u>	04 NCAC 16K .0111
<u>Collective Investment</u>	04 NCAC 16K .0112
<u>Surrender of Trust Powers</u>	04 NCAC 16K .0113
<u>Eff. of Appt.: Conservator/Receiver: Voluntary Dissolution</u>	04 NCAC 16K .0114
<u>Revocation of Trust Powers</u>	04 NCAC 16K .0115
<u>Applicability of General Laws Regarding Trust Operations</u>	04 NCAC 16K .0116
<u>Reports and Fees</u>	04 NCAC 16K .0117
<u>Plan of Liquidation</u>	04 NCAC 16L .0101
<u>Disposition of Assets</u>	04 NCAC 16L .0102
<u>Rescission and Cancellation of Dissolution</u>	04 NCAC 16L .0103
<u>Waiver</u>	04 NCAC 16L .0104

SOCIAL SERVICES COMMISSION

<u>General Provisions</u>	10A NCAC 97B .0401
<u>Citizen Participation in the Application Process</u>	10A NCAC 97B .0402
<u>Citizen Participation in the Program Amendment Process</u>	10A NCAC 97B .0403
<u>Definitions</u>	10A NCAC 97C .0104
<u>Eligible Grant Recipients</u>	10A NCAC 97C .0106
<u>Allocation of CSBG Funds</u>	10A NCAC 97C .0108
<u>Requirements/Governing Bodies of Private Grant Recipients</u>	10A NCAC 97C .0109
<u>Citizen Participation</u>	10A NCAC 97C .0111

INSURANCE, COMMISSIONER OF

<u>Licensee Requirements</u>	11 NCAC 06A .0802
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SHERIFFS EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Minimum Standards for Justice Officers</u>	12 NCAC 10B .0301
<u>Medical Examination</u>	12 NCAC 10B .0304
<u>Admission of Trainees</u>	12 NCAC 10B .0713
<u>Minimum Training Requirements</u>	12 NCAC 10B .2005

PRIVATE PROTECTIVE SERVICES BOARD

<u>Location</u>	14B NCAC	16	.0102
<u>Application for Licenses and Trainee Permits</u>	14B NCAC	16	.0201
<u>Renewal or Re-issue of Licenses and Trainee Permit</u>	14B NCAC	16	.0203
<u>Application for Unarmed Security Guard Registration</u>	14B NCAC	16	.0701
<u>Renewal or Reissue of Unarmed Security Guard Registration</u>	14B NCAC	16	.0706
<u>Application/Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0801
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0806
<u>Application for Firearms Trainer Certificate</u>	14B NCAC	16	.0902
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC	16	.0904
<u>Application for Unarmed Armored Car Service Guard Registr...</u>	14B NCAC	16	.1301
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B NCAC	16	.1306
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u>	14B NCAC	16	.1401
<u>Renewal of Armed Armored Car Service Guard Firearm Regist...</u>	14B NCAC	16	.1406

WILDLIFE RESOURCES COMMISSION

<u>Beaufort County</u>	15A NCAC	10F	.0303
<u>Burke County</u>	15A NCAC	10F	.0323
<u>McDowell County</u>	15A NCAC	10F	.0339

REVENUE, DEPARTMENT OF

<u>Receipt or Invoice Requirements to Obtain Credit for Reta...</u>	17 NCAC	12A	.0201
<u>Withdrawals from Bulk Storage</u>	17 NCAC	12A	.0202
<u>Motor Carrier Bond Requirements</u>	17 NCAC	12A	.0303
<u>Dealer: Manufacturer: Driveway: Transporter</u>	17 NCAC	12A	.0503
<u>Motor Fuel Bond Requirements</u>	17 NCAC	12B	.0106
<u>Irrevocable Letter of Credit</u>	17 NCAC	12B	.0107
<u>Claim for Refund for Sales to Exempt Entities</u>	17 NCAC	12B	.0402
<u>Off-Highway Claim for Refund</u>	17 NCAC	12B	.0403
<u>Record Requirements for Off-Highway Refund Claims</u>	17 NCAC	12B	.0404
<u>Removal of License Plate</u>	17 NCAC	12B	.0410
<u>Proportional Refunds</u>	17 NCAC	12B	.0412
<u>Nonprofit Organization Claim for Refunds</u>	17 NCAC	12B	.0413
<u>Eligibility for Refunds</u>	17 NCAC	12B	.0414
<u>Record-Keeping Requirements of Bulk End-Users, Retailers,...</u>	17 NCAC	12B	.0502
<u>Fuel from Cargo Supply Tank</u>	17 NCAC	12C	.0301
<u>Odometer Readings</u>	17 NCAC	12C	.0302
<u>Alternative Fuels for Nonhighway Use Only</u>	17 NCAC	12C	.0304
<u>Amount of Bond Required</u>	17 NCAC	12D	.0102
<u>Acceptance of Bonds and Letters of Credit</u>	17 NCAC	12D	.0103

LOCAL GOVERNMENT COMMISSION

<u>Exemption from Preaudit Certificate Requirement for Elect...</u>	20 NCAC	03	.0409
<u>Exemption from Disbursement Certificate Requirement for E...</u>	20 NCAC	03	.0410

CAPITAL FACILITIES FINANCE AGENCY

<u>Organization And Functions</u>	20 NCAC	09	.0101
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<u>Definitions</u>	20 NCAC 09 .0102
ARCHITECTURE, BOARD OF	
<u>Fees</u>	21 NCAC 02 .0108
<u>Requirement for and Use of Professional Seal</u>	21 NCAC 02 .0206
<u>Unprofessional Conduct</u>	21 NCAC 02 .0209
<u>Individual Licenses</u>	21 NCAC 02 .0213
<u>Application for Registration by Exam</u>	21 NCAC 02 .0301
<u>Examination</u>	21 NCAC 02 .0302
DENTAL EXAMINERS, BOARD OF	
<u>Direction and Supervision</u>	21 NCAC 16Y .0104

**RRC Determination
Periodic Rule Review
October 19, 2017
Necessary with substantive public interest**

Medical Care Commission	10A NCAC 13C .1404	Environmental Management Commission
10A NCAC 13C .0202	10A NCAC 13C .1405	15A NCAC 02K .0212
10A NCAC 13C .0301	10A NCAC 13C .1406	
10A NCAC 13C .0501	10A NCAC 13C .1407	
10A NCAC 13C .0902	10A NCAC 13C .1410	

**RRC Determination
Periodic Rule Review
October 19, 2017
Necessary without substantive public interest**

Medical Care Commission	10A NCAC 13C .1002	10A NCAC 42B .0103
10A NCAC 13C .0103	10A NCAC 13C .1101	10A NCAC 42B .0104
10A NCAC 13C .0201	10A NCAC 13C .1102	10A NCAC 42B .0105
10A NCAC 13C .0203	10A NCAC 13C .1201	10A NCAC 42B .0106
10A NCAC 13C .0204	10A NCAC 13C .1202	10A NCAC 42C .0101
10A NCAC 13C .0205	10A NCAC 13C .1301	10A NCAC 42C .0102
10A NCAC 13C .0302	10A NCAC 13C .1302	10A NCAC 42D .0231
10A NCAC 13C .0303	10A NCAC 13C .1303	10A NCAC 42D .0232
10A NCAC 13C .0304	10A NCAC 13C .1304	10A NCAC 42D .0233
10A NCAC 13C .0305	10A NCAC 13C .1305	10A NCAC 42D .0234
10A NCAC 13C .0306	10A NCAC 13C .1401	10A NCAC 42D .0235
10A NCAC 13C .0401	10A NCAC 13C .1402	10A NCAC 42D .0236
10A NCAC 13C .0402	10A NCAC 13C .1403	10A NCAC 42D .0237
10A NCAC 13C .0403	10A NCAC 13C .1408	10A NCAC 42D .0238
10A NCAC 13C .0502	10A NCAC 13C .1409	10A NCAC 42D .0239
10A NCAC 13C .0503	10A NCAC 13C .1411	10A NCAC 42D .0240
10A NCAC 13C .0504		10A NCAC 42D .0241
10A NCAC 13C .0601	Public Health, Commission for	10A NCAC 42D .0242
10A NCAC 13C .0602	10A NCAC 42A .0101	10A NCAC 42D .0243
10A NCAC 13C .0701	10A NCAC 42A .0102	10A NCAC 42D .0244
10A NCAC 13C .0702	10A NCAC 42A .0103	10A NCAC 42D .0245
10A NCAC 13C .0801	10A NCAC 42A .0104	10A NCAC 42D .0246
10A NCAC 13C .0802	10A NCAC 42A .0105	10A NCAC 42D .0247
10A NCAC 13C .0901	10A NCAC 42A .0106	10A NCAC 42D .0248
10A NCAC 13C .1001	10A NCAC 42B .0102	10A NCAC 42D .0249

RULES REVIEW COMMISSION

10A NCAC 42D .0250
10A NCAC 42D .0251
10A NCAC 42D .0252
10A NCAC 42D .0253
10A NCAC 42D .0254
10A NCAC 42D .0255
10A NCAC 42D .0256
10A NCAC 42D .0257
10A NCAC 42D .0258
10A NCAC 42D .0259
10A NCAC 42D .0260
10A NCAC 42D .0261
10A NCAC 43D .0201
10A NCAC 43D .0202
10A NCAC 43D .0203
10A NCAC 43D .0204
10A NCAC 43D .0205
10A NCAC 43D .0207
10A NCAC 43D .0301
10A NCAC 43D .0302
10A NCAC 43D .0303
10A NCAC 43D .0304
10A NCAC 43D .0305
10A NCAC 43D .0408
10A NCAC 43D .0410
10A NCAC 43D .0411
10A NCAC 43D .0501
10A NCAC 43D .0502
10A NCAC 43D .0503
10A NCAC 43D .0701
10A NCAC 43D .0702
10A NCAC 43D .0703

10A NCAC 43D .0704
10A NCAC 43D .0705
10A NCAC 43D .0706
10A NCAC 43D .0707
10A NCAC 43D .0708
10A NCAC 43D .0709
10A NCAC 43D .0710
10A NCAC 43D .0802
10A NCAC 43D .0804
10A NCAC 43D .0806
10A NCAC 43D .0902
10A NCAC 43D .0903
10A NCAC 43D .0904
10A NCAC 43D .0905
10A NCAC 43D .0906
10A NCAC 43D .0907
10A NCAC 43D .0908
10A NCAC 43D .0909
10A NCAC 43D .0910
10A NCAC 43D .0911
10A NCAC 44 .0101
10A NCAC 44 .0201
10A NCAC 44 .0202
10A NCAC 44 .0203
10A NCAC 44 .0204
10A NCAC 44 .0401
10A NCAC 44 .0501

**Environmental Management
Commission**
15A NCAC 02K .0103
15A NCAC 02K .0104

15A NCAC 02K .0105
15A NCAC 02K .0201
15A NCAC 02K .0202
15A NCAC 02K .0203
15A NCAC 02K .0204
15A NCAC 02K .0205
15A NCAC 02K .0206
15A NCAC 02K .0207
15A NCAC 02K .0208
15A NCAC 02K .0209
15A NCAC 02K .0210
15A NCAC 02K .0211
15A NCAC 02K .0213
15A NCAC 02K .0214
15A NCAC 02K .0215
15A NCAC 02K .0216
15A NCAC 02K .0217
15A NCAC 02K .0219
15A NCAC 02K .0220
15A NCAC 02K .0221
15A NCAC 02K .0222
15A NCAC 02K .0223
15A NCAC 02K .0301
15A NCAC 02K .0302
15A NCAC 02K .0501
15A NCAC 02K .0502
15A NCAC 02K .0503
15A NCAC 02K .0504

**RRC Determination
Periodic Rule Review
October 19, 2017
Unnecessary**

Public Health, Commission for
10A NCAC 42A .0107
10A NCAC 42B .0101
10A NCAC 42D .0101
10A NCAC 44 .0301
10A NCAC 44 .0303
10A NCAC 44 .0304

10A NCAC 44 .0305
10A NCAC 44 .0306
10A NCAC 44 .0307
10A NCAC 44 .0308
10A NCAC 44 .0309
10A NCAC 44 .0310

**Environmental Management
Commission**
15A NCAC 02K .0401
15A NCAC 02K .0402

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 Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
17	DHR	00755	9/14/2017	Tonya Staton	v.	North Carolina Department of Health and Human Services Division of Child Development	Culpepper
17	DHR	01778	9/18/2017	Raintree Healthcare of Wilkesboro LLC DBA Wilkes County Adult Care	v.	Division of Health Service Regulation NC Department of Health and Human Services	Malherbe
17	DHR	02429	9/28/2017	Coby Crandall The Pro Se Reentry Recovery SVCS	v.	NC Department of Health and Human Services	Overby
17	DHR	04335	9/5/2017	Angela and Timothy Munson	v.	The Mecklenburg County Health Department and Health Director Anthony Trotman	Malherbe
17	DHR	04749	9/14/2017	Appletree Day Care, Inc. and Carolyn Driggers	v.	NC Department of Health and Human Services, Nutrition Services, Child & Adult Care Food Program	Overby
17	DOJ	02257	9/11/2017	Antoine Joseph Singleton	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
17	DOJ	02976	9/12/2017	Kevin Robert Bray	v.	NC Private Protective Services Board	Malherbe
17	DOJ	05556	9/28/2017	Stanley Lewis Huffstetler IV	v.	North Carolina Alarm Systems Licensing Board	Overby
16	OSP	10621	9/26/2017	Dontravis Swain	v.	North Carolina Department of Public Safety	Ward
16	OSP	10948	9/22/2017	Sharon Renea Blackmon	v.	NC DHHS	May
17	OSP	01770	9/7/2017	Bernard Robinson	v.	NCDPS Lumberton Correctional	Overby

CONTESTED CASE DECISIONS

				<u>UNPUBLISHED</u>			
17	ABC	03322	9/7/2017	Reginald Hilton Belton, Owner Robbin Heights Mini Market	v.	NC Alcoholic Beverage Control Commission	Ward
17	CSE	02642	9/6/2017	Terry R Locklear	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
17	CSE	04856	9/20/2017	Ned Burgess Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
17	CSE	04917	9/21/2017	Thomas Yu	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
16	DHR	09945	9/22/2017	Green Acres Family Care Home #2 Latrishia Green	v.	Adult Care Licensure Megan Lamphere MSW Chief	Ward
17	DHR	02847	9/12/2017	Adam E Smith	v.	NC Dept. of Health and Human Services	Bawtinhimer
17	DHR	04173	9/14/2017	A+ Williamson Care Network	v.	NC Department of Health and Human Services, Division of Medical Assistance	Mann
17	DHR	05044	9/19/2017	Barbara Stocks Barbara Stocks Daycare	v.	Division of Child Development and Early Education	May
17	DOJ	02731	9/5/2017	Terry Teray Arrington	v.	NC Criminal Justice Education and Training Standards Commission	Lassiter
17	DOJ	04249	9/22/2017	Eddricco Lishaun Brown-Bey	v.	The State of North Carolina Attorney General Office Et Al	May
17	DOT	03280	9/22/2017	Brandon Roshon McClendon	v.	State of North Carolina Department of Transportation	Mann
17	DOT	05492	9/29/2017	William Delmar Covington	v.	North Caorlina Highway Patrol Office and North Caorlina Department of Transportation	Overby
17	EDC	05343	9/28/2017	Teshia McLean	v.	NC Department of Public Instruction	Overby
17	INS	01662	9/1/2017	Cynthia Martin	v.	North Carolina State Health Plan	Ward
17	INS	02291	9/5/2017	Michelle Jernigan	v.	State Health Plan	Overby
17	INS	02679	9/13/2017	Kendra Matthews	v.	State Health Plan	May
16	OSP	05955	9/14/2017	Eric Rice	v.	NC State University	Culpepper
17	OSP	04383	9/8/2017	Walle Laniyan	v.	Durham Co Govt	Bawtinhimer