

NORTH CAROLINA REGISTER

VOLUME 35 • ISSUE 12 • Pages 1334 – 1428

December 15, 2020

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NORTH CAROLINA REGISTER
Publication Schedule for January 2020 – December 2020

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	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
34:13	01/02/20	12/06/19	01/17/20	03/02/20	03/20/20	04/16/20	05/01/20	09/28/20
34:14	01/15/20	12/19/19	01/30/20	03/16/20	03/20/20	04/16/20	05/01/20	10/11/20
34:15	02/03/20	01/10/20	02/18/20	04/03/20	04/20/20	05/21/20	06/01/20	10/30/20
34:16	02/17/20	01/27/20	03/03/20	04/17/20	04/20/20	05/21/20	06/01/20	11/13/20
34:17	03/02/20	02/10/20	03/17/20	05/01/20	05/20/20	06/18/20	07/01/20	11/27/20
34:18	03/16/20	02/24/20	03/31/20	05/15/20	05/20/20	06/18/20	07/01/20	12/11/20
34:19	04/01/20	03/11/20	04/16/20	06/01/20	06/22/20	07/16/20	08/01/20	12/27/20
34:20	04/15/20	03/24/20	04/30/20	06/15/20	06/22/20	07/16/20	08/01/20	01/10/21
34:21	05/01/20	04/09/20	05/16/20	06/30/20	07/20/20	08/20/20	09/01/20	01/26/21
34:22	05/15/20	04/24/20	05/30/20	07/14/20	07/20/20	08/20/20	09/01/20	02/09/21
34:23	06/01/20	05/08/20	06/16/20	07/31/20	08/20/20	09/17/20	10/01/20	02/26/21
34:24	06/15/20	05/22/20	06/30/20	08/14/20	08/20/20	09/17/20	10/01/20	03/12/21
35:01	07/01/20	06/10/20	07/16/20	08/31/20	09/21/20	10/15/20	11/01/20	03/28/21
35:02	07/15/20	06/23/20	07/30/20	09/14/20	09/21/20	10/15/20	11/01/20	04/11/21
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35:05	09/01/20	08/11/20	09/16/20	11/02/20	11/20/20	12/17/20	01/01/21	05/29/21
35:06	09/15/20	08/24/20	09/30/20	11/16/20	11/20/20	12/17/20	01/01/21	06/12/21
35:07	10/01/20	09/10/20	10/16/20	11/30/20	12/21/20	01/21/21	02/01/21	06/28/21
35:08	10/15/20	09/24/20	10/30/20	12/14/20	12/21/20	01/21/21	02/01/21	07/12/21
35:09	11/02/20	10/12/20	11/17/20	01/04/21	01/20/21	02/18/21	03/01/21	07/30/21
35:10	11/16/20	10/23/20	12/01/20	01/15/21	01/20/21	02/18/21	03/01/21	08/13/21
35:11	12/01/20	11/05/20	12/16/20	02/01/21	02/22/21	03/18/21	04/01/21	08/28/21
35:12	12/15/20	11/20/20	12/30/20	02/15/21	02/22/21	03/18/21	04/01/21	09/11/21

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.



State of North Carolina

ROY COOPER
GOVERNOR

November 10, 2020

EXECUTIVE ORDER NO. 176

FURTHER EXTENSION OF THE PHASE 3 ORDER AND IMPLEMENTATION OF
ADDITIONAL MEASURES NECESSARY TO PROTECT PUBLIC HEALTH

The COVID-19 Public Health Emergency

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165 and 169-173; and

WHEREAS, more than two hundred ninety-seven thousand (297,000) people in North Carolina have had COVID-19, and four thousand six-hundred and sixty (4,660) people in North Carolina have died from the disease; and

WHEREAS, on September 30, 2020, the undersigned issued Executive Order No. 169, which transitioned the state into Phase 3 of its COVID-19 response; and

WHEREAS, concerning trends in COVID-19 metrics following the issuance of Executive Order No. 169 led the undersigned to extend the measures of Executive Order No. 169 under Executive Order No. 170; and

WHEREAS, since the issuance of Executive Orders Nos. 169 and 170, COVID-19 continues to spread at an increased rate in North Carolina and nationally; and

WHEREAS, due to delays between exposure to the COVID-19 virus, the onset of symptoms, and hospitalizations, the increasing case counts in the state signal potential challenges to come for the state's health care facilities; and

WHEREAS, to slow the spread of the COVID-19 virus, to protect the lives of North Carolinians, and to preserve hospital capacity and other healthcare resources across the state, it is necessary for the undersigned to continue certain public health restrictions and to bolster the same; and

Reduction of Indoor Mass Gathering Limit to Protect Public Health

WHEREAS, public health data, contact tracing reports, and outbreak investigations indicate that in-home and other informal social gatherings are contributing to the rise in cases across the state; and

WHEREAS, the state's public health experts have advised that in familiar settings with friends and family, individuals may be more likely to forgo necessary precautions against transmission of COVID-19 such as maintaining social distance or wearing masks, which contributes to the spread of the virus; and

WHEREAS, the risk of transmitting and contracting COVID-19 is higher in indoor settings where individuals are in close physical contact for an extended period of time (more than 15 minutes), in which it is difficult to wear a Face Covering consistently, or that involve large numbers of people; and

WHEREAS, to reduce the prevalence of COVID-19 spread linked to social and in-home gatherings and all other settings not otherwise addressed by the undersigned's COVID-19 executive orders in which large groups of individuals tend to gather, the undersigned finds it reasonable and necessary to reduce the Mass Gathering limit established by previous COVID-19 executive orders for indoor settings; and

WHEREAS, businesses and operations identified in Executive Order No. 169 and those gatherings exempted from the Mass Gathering limit thereunder may continue to operate according to the measures and capacity limits, if any, which are specified in Executive Order No. 169 and which are intended to control the spread of COVID-19 in those settings; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(3) authorizes the undersigned to restrict the possession, transportation, sale, purchase, and consumption of alcoholic beverages; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority set forth above and in Executive Orders Nos. 169 and 170, **IT IS ORDERED**:

Section 1. Extension and Amendment of the Phase 3 Order.

Executive Order No. 169, as amended by this Executive Order, and which includes, for avoidance of doubt, those provisions of Executive Order No. 163, as amended herein and which were incorporated into, and extended by, Executive Order No. 169, shall remain in effect until 5:00 pm on December 04, 2020. The effective date provision of Executive Order No. 169 is amended to have that order continue in effect through the above-listed time and date.

Section 2. Amendment to the Indoor Mass Gathering Limit.

Section 5.1 of Executive Order No. 169 is amended to read:

- 5.1. **Prohibition.** Mass Gatherings are prohibited. “**Mass Gathering**” means an event or convening which brings together more than ten (10) people indoors or more than fifty (50) people outdoors at the same time in a single confined indoor or outdoor space. This includes parades, fairs, or festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility. When more than ten (10) people reside in the same household, residing together does not form a Mass Gathering.

At a park, beach, or trail, the outdoor Mass Gathering limit of fifty (50) people applies to each group of people that may gather together.

Section 3. Conforming Amendments for Amusement Parks; Museums and Aquariums.

1. Section 3.1(b)(2)(c) of Executive Order No. 169 is amended to read:

All other group activities, such as tours, receptions, or parties, are subject to the Mass Gathering limit for outdoor spaces, and twenty-five (25) individuals for indoor spaces.

2. The first sentence of Section 6(9)(b)(ii) of Executive Order No. 163 is amended to read:

Limit Guests in each room within a museum or aquarium such that they do not exceed twenty-five (25) individuals.

Section 4. Extension of Price Gouging Period.

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on December 04, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 5. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 6. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 7. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

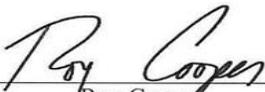
Section 8. Enforcement.

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Face Covering requirements shall be limited as stated in Subsection 2.7 of Executive Order No. 169. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual’s conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual’s access to a particular place).

Section 9. Effective Date.

This Executive Order is effective November 13, 2020, at 5:00 pm. This Executive Order shall remain in effect through 5:00 pm on December 04, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

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 10th day of November in the year of our Lord two thousand and twenty.



 Roy Cooper
 Governor

ATTEST:



 Elaine F. Marshall
 Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 13, 2020

EXECUTIVE ORDER NO. 177

**EXTENDING CERTAIN HEALTH AND HUMAN SERVICES PROVISIONS IN
PREVIOUS EXECUTIVE ORDERS AND DELEGATION OF AUTHORITY**

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 (the "Declaration of a State of Emergency") which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the state of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, and 169-173; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has identified widespread community transmission of the virus; and

WHEREAS, more than 305,000 people in North Carolina have had laboratory-confirmed cases of COVID-19, and over 4,700 people in North Carolina have died from the disease; and

WHEREAS, in Executive Order Nos. 130 and 139, the undersigned, with the concurrence of the Council of State, determined that the Secretary of the Department of Health and Human Services required authority to modify or waive enforcement of certain legal constraints or regulations which restrict the immediate relief of human suffering; and

WHEREAS, certain provisions of Executive Order Nos. 130 and 139 were extended by Executive Order Nos. 144, 148, 152 and 165, but these provisions are set to expire unless the undersigned takes further action; and

WHEREAS, it is anticipated that the need for these measures will continue for at least a period of ninety (90) days; and

WHEREAS, since the declaration of a state of emergency in Executive Order No. 116, North Carolina has accumulated increased personal protective equipment (“PPE”) for health care workers and first responders, developed health care protocols and procedures for the treatment of COVID-19, and adopted personal recommendations to promote social distancing and reduce transmission of COVID-19; and

WHEREAS, the Secretary of NCDHHS has been working closely with long term care facility industry leaders, advocates, and families to continue efforts to mitigate the spread of COVID-19, and has the expertise to determine necessary restrictions and requirements for long term care facilities to provide safe environments of care for staff and residents; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States, and the orders and authorizations below cooperate and coordinate with Centers for Medicare and Medicaid Services (“CMS”) and utilize the flexibility provided in CMS waiver letters; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7) the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1) the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2) the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for

lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii) the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31 authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

WHEREAS, all the authority granted by this Executive Order is intended to be temporary, and the waivers and modifications of enforcement set out in this Executive Order are intended to extend only through the period where they are needed to address the COVID-19 pandemic.

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

Section 1. Extension, Generally.

For the reasons and pursuant to the authority set forth above and in Executive Order Nos. 130, 139, 144, 148, 152 and 165, and to meet the goal of providing human services during the COVID-19 pandemic, the undersigned orders as follows:

Executive Order No. 152, as amended by Executive Order No. 165, is modified to be in effect until February 18, 2021. References to "September 22, 2020" or "November 20, 2020" in Executive Orders Nos. 152 and 165 shall be replaced with "February 11, 2021," except that the second sentence of Section 1(A) of Executive Order No. 152 shall continue to read, "Section 6(A) of Executive Order No. 130, which was extended by Executive Order No. 144, shall expire on September 22, 2020."

Section 2. Temporary Nature of this Section.

1. Waivers and modifications under authority of this Section are temporary and shall be effective as set forth in this Executive Order.

2. The undersigned delegates to the Secretary of NCDHHS authority to reimpose any regulations, policies, or guidance that have enforcement waived or modified under this Section.

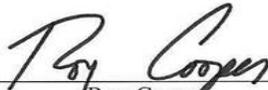
Section 3. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 4. Effective Date.

This Executive Order is effective immediately. Except as set forth expressly above, this Executive Order shall remain in effect until February 11, 2021, unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

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 13th day of November in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 13, 2020

EXECUTIVE ORDER NO. 178

DECLARATION OF A STATE OF EMERGENCY

WHEREAS, on November 12, 2020, the State of North Carolina experienced severe weather in the form of heavy rainfall and flooding from the remnants of Tropical Storm Eta; and

WHEREAS, the impacts from the rains caused significant damage to the transportation infrastructure; and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to "provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations"; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies.

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

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the State of North Carolina due to damages to the roads and other critical infrastructure as a result of the impacts from the severe weather event.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

Section 3.

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety ("DPS"), or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

I further direct Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the state in responding to this emergency.

Section 6.

I hereby order that this declaration be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the state of emergency would prevent or impede this; and (3) distributed to others as necessary to ensure proper implementation of this declaration.

Section 7.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 8.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 9.

This Executive Order is effective immediately and shall remain in effect until rescinded.

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 13th day of November in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 16, 2020

EXECUTIVE ORDER NO. 179

NOTICE OF TERMINATION OF EXECUTIVE ORDER NO. 175

WHEREAS, on October 29, 2020, the State of North Carolina experienced severe weather including, flooding, high winds and power outages from the remnants of Hurricane Zeta; and

WHEREAS, Executive Order No. 175, *Declaration of a State of Emergency and Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services*, was issued on October 30, 2020; and

WHEREAS, this emergency declaration and transportation waiver is no longer necessary.

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

Pursuant to N.C. Gen. Stat. § 166A-19.20(c) Executive Order No. 175 is hereby terminated immediately.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16th day of November in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State



NORTH CAROLINA RATE BUREAU

PUBLIC NOTICE

Notice is hereby given pursuant to North Carolina General Statute 58-36-120 that, on November 9, 2020, the North Carolina Rate Bureau (“Rate Bureau”) filed for an increase in rates for Homeowners insurance policies under its jurisdiction. The Rate Bureau is publishing notice of the filing in two newspapers with statewide distribution and the North Carolina Register. The Commissioner of Insurance may or may not schedule and conduct a hearing with respect to this filing. This information is also posted on the Rate Bureau website (www.ncrb.org/ncrb) and the North Carolina Department of Insurance website (www.ncdoi.com). This filing only relates to Homeowners insurance policies under the jurisdiction of the Rate Bureau and does not affect Dwelling Fire and Extended Coverage or Mobile Homeowners insurance policies or rates not part of the Homeowner Policy Program.

**Wildlife Resources Commission
Rescheduled Public Hearings**

In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, the NC Wildlife Resources Commission is providing notice of the cancelation of public hearings noticed in the December 1, 2020 NC Register (35:11; p. 1110). As a result, a virtual public hearing has been scheduled and will be conducted as follows:

Date: January 21, 2021

Time: 6:30 pm

Location: Register in advance for this webinar: https://newildlife.zoom.us/webinar/register/WN_jef8D745QLmI6b-b81hy8Q or join by phone toll free (877-853-5247 or 888-788- 0099) using Webinar ID: 938 2215 0018

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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Medical Care Commission intends to amend the rule cited as 10A NCAC 13F .0406, readopt with substantive changes the rules cited as 10A NCAC 13F .0403; 13G .0402, .0403, and readopt without substantive changes the rule cited as 10A NCAC 13G .0405.

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://info.ncdhhs.gov/dhsr/ruleactions.html>

Proposed Effective Date: July 1, 2021

Public Hearing:

Date: February 2, 2021

Time: 10:00 a.m.

Location: Being held by teleconference call using the following: Telephone number: 1-877-848-7030; Access code: 5133201

Reason for Proposed Action: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 13F, Licensing of Adult Care Homes of Seven or More Beds, and 10A NCAC 13G, Licensing of Family Care Homes, 4 proposed readoption rules were part of the 97 total rules determined as “Necessary With Substantive Public Interest,” requiring readoption. With input from stakeholders, substantive changes are proposed to three rules for readoption, one rule is proposed without substantive changes for readoption, and one rule is proposed for amendment for the regulation of licensed Adult Care Homes and Family Care Homes in N.C. An additional intent of the proposed rules is to make the rules of these two types of assisted living residences comparable, if not the same, for regulatory efficiency since they both house the same type of residents as permitted by law.

These proposed rules update and clarify the qualifications by statutory reference of adult care home and family care home staff who pass medications that include medication aides and their direct supervisors, and by the deletion of unnecessary requirements. The rules update the qualifications of the family care home Supervisor-In-Charge by the deletion of unnecessary requirements and the addition of a minimum age requirement. The proposed rules clarify the procedure for the adult care home

and family care home Tuberculosis test and update the method for accessing referenced rules in those rules.

Comments may be submitted to: Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13F – LICENSING OF ADULT CARE HOMES OF SEVEN OR MORE BEDS

SECTION .0400 - STAFF QUALIFICATIONS

10A NCAC 13F .0403 QUALIFICATIONS OF MEDICATION STAFF

(a) Adult care home staff who administer medications, hereafter referred to as medication aides, and ~~staff who directly supervise the administration of medications~~ their direct supervisors shall ~~have documentation of successfully completing the clinical skills validation portion of the competency evaluation according to Paragraphs (d) and (e) of Rule 10A NCAC 13F .0503 prior to the administration or supervision of the administration of medications.~~ complete training, clinical skills validation, and pass the written examination as set forth in G.S. 131D-4.5B.

~~(b) Medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall successfully pass the written examination within 90 days after successful completion of the clinical skills validation portion of a competency evaluation according to Rule .0503 of this Section.~~

~~(c)(b) Medication aides and staff who directly supervise the administration of medications, their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall complete six hours of continuing education annually related to medication administration.~~

Authority G.S. 131D-2.16; 131D-4.5; 131D-4.5B; 143B-165.

10A NCAC 13F .0406 TEST FOR TUBERCULOSIS

(a) Upon employment or living in an adult care home, the ~~administrator and administrator, all other staff staff, and any live-in non-residents persons living in the adult care home~~ shall be tested for tuberculosis disease in compliance with control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205 .0205, including subsequent amendments and editions. Copies of the rule are available at no charge by contacting the Department of Health and Human Services Tuberculosis Control Program, 1902 Mail Service Center, Raleigh, NC 27699-1902. may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

(b) There shall be documentation on file in the adult care home that the administrator, all other staff staff, and any live-in non-residents persons living in the adult care home are free of tuberculosis disease that poses a direct threat to the health or safety of others. disease.

Authority G.S. 131D-2.16; 131D-4.5; 143B-165.

SUBCHAPTER 13G – LICENSING OF FAMILY CARE HOMES

SECTION .0400 – STAFF QUALIFICATIONS

10A NCAC 13G .0402 QUALIFICATIONS OF SUPERVISOR-IN-CHARGE

The supervisor-in-charge supervisor-in-charge, who is responsible to the administrator for carrying out the program in the a family care home in the absence of the administrator. All of administrator, shall meet the following requirements must be met: requirements:

- ~~(1) The applicant must complete the Application for Supervisor in Charge (DSS 1862);~~
- (1) be 21 years or older, employed on or after the effective date of this Rule;
- ~~(2) The qualifications of the administrator and co-administrator referenced in Paragraphs (2), (5), (6), and (7) of Rule .0401 of this Subchapter shall apply to the supervisor-in-charge. The supervisor-in-charge the supervisor-in-charge, (employed employed on or after August 1, 1991) must meet a minimum educational requirement by being at least 1991, shall be a high school graduate or certified under the GED~~

~~Program or by passing an alternative examination established by the Department of Health and Human Services. Documentation that these qualifications have been met must be on file in the home prior to employing the supervisor in charge; Program or passed the alternative examination established by the Department of Health and Human Services prior to the effective date of this Rule; and~~

~~(3) The supervisor in charge must be willing to work with bonafide inspectors and the monitoring and licensing agencies toward meeting and maintaining the rules of this Subchapter and other legal requirements;~~

~~(4)(3) The supervisor in charge must verify that he earns earn 12 hours a year of continuing education credits related to the management of domiciliary adult care homes and care of aged and disabled persons in accordance with procedures established by the Department of Health and Human Services; persons.~~

~~(5) When there is a break in employment as a supervisor in charge of one year or less, the educational qualification under which the person was last employed will apply.~~

Authority G.S. 131D-2.16; 131D-4.5; 143B-165.

10A NCAC 13G .0403 QUALIFICATIONS OF MEDICATION STAFF

(a) Family care home staff who administer medications, hereafter referred to as medication aides, and ~~staff who directly supervise the administration of medications their direct supervisors~~ shall have documentation of successfully completing the clinical skills validation portion of the competency evaluation according to Paragraphs (d) and (e) of Rule .0503 of this Subchapter prior to the administration or supervision of the administration of medications. complete training, clinical skills validation, and pass the written examination as set forth in, G.S. 131D-4.5B. Persons authorized by state occupational licensure laws to administer medications are exempt from this requirement.

~~(b) Medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall successfully pass the written examination within 90 days after successful completion of the clinical skills validation portion of a competency evaluation according to Rule .0503 of this Subchapter.~~

~~(c)(b) Medication aides and staff who directly supervise the administration of medications, their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall complete six hours of continuing education annually related to medication administration.~~

Authority G.S. 131D-2.16; 131D-4.5; 131D-4.5B; 143B- 165.

10A NCAC 13G .0405 TEST FOR TUBERCULOSIS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Care Commission intends to amend the rules cited as 10A NCAC 13P .0101, .0102, .0222, .0501, .0502, .0504, .0507, .0508, .0510, .0512, .0601, .0602, .0904, .0905, .1101, .1401, .1403-.1405, .1505, .1507 and .1511.

Link to agency website pursuant to G.S. 150B-19.1(c): https://info.ncdhhs.gov/dhsr/ruleactions.html

Proposed Effective Date: July 1, 2021

Public Hearing:

Date: February 8, 2021

Time: 10:00 a.m.

Location: Being held by teleconference using the following: Telephone number: 1-877-848-7030; Access code: 5133201

Reason for Proposed Action: The N.C. Medical Care Commission is proposing amendments to 22 rules in the Emergency Medical Services and Trauma rules in 10A NCAC 13P to reflect the changes needed to update obsolete or unnecessary standards, clarify ambiguous language, incorporate changes in healthcare delivery models, recognize new technologies, and to provide all regulated entities and the public the most efficient and effective structure for services regulated for emergency medical and trauma systems.

The proposed rules address definition and abbreviation revisions throughout the rules, clarify the permitted vehicle exemption of persons transported in wheeled chair devices, reflect a proposed change to statutory language and are being amended for technical changes and corrections.

The proposed EMS personnel rules strengthen academic EMS programs for Advanced Emergency Medical Technician and Paramedic credentialing and strengthen the EMS workforce to enhance safety of the public. These proposed rules amend the criteria for initial credentialing to comply with the accreditation requirements for the Commission on Accreditation of Allied Health Education Programs (CAAHEP). The proposed rules more clearly define the breakdown of the 96 hours of EMS instruction for Level I and Level II EMS instructor renewal. In addition, these proposed rules insure the safety of the public and maintain appropriate knowledge and skills of individuals for reinstatement of a lapsed EMS credential.

The proposed rules clarify and update the designation for continuing education EMS educational programs and strengthen educational programs as well as the roles and responsibilities of the educational institution oversight staff.

The proposed rules more accurately reflect the comprehensive criteria defined by the American College of Surgeons (ASC) for hospital trauma center designation and reflect a more accurate, efficient process for state trauma system annual membership and updates.

The proposed rules more accurately define the Chemical Addiction or Abuse Recovery Program as well as enhance the efficiency of the process for determining an individual to return to restricted practice.

The proposed rules update and clarify the enforcement action taken against an EMS educational institution's designation in cases of significant failure to comply with education rules, add behavioral violations of EMS personnel resulting in investigation by the OEMS and potential appearance before the Emergency Medical Services Disciplinary Committee, and add a requirement for OEMS notification for any violation.

Comments may be submitted to: Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13P – EMERGENCY MEDICAL SERVICES AND TRAUMA RULES

SECTION .0100 – DEFINITIONS

10A NCAC 13P .0101 ABBREVIATIONS

- As used in this Subchapter, the following abbreviations mean:
(1) ACS: American College of Surgeons;
(2) AEMT: Advanced Emergency Medical Technician;
(3) AHA: American Heart Association;
(4) ASTM: American Society for Testing and Materials;
(5) CAAHEP: Commission on Accreditation of Allied Health Education Programs;
(6) CPR: Cardiopulmonary Resuscitation;
(7) ED: Emergency Department;
(8) EMD: Emergency Medical Dispatcher;

- (9) EMR: Emergency Medical Responder;
- (10) EMS: Emergency Medical Services;
- (11) EMS-NP: EMS Nurse Practitioner;
- (12) EMS-PA: EMS Physician Assistant;
- (13) EMT: Emergency Medical Technician;
- (14) FAA: Federal Aviation Administration;
- ~~(15) FAR: Federal Aviation Regulation;~~
- ~~(16)~~(15) FCC: Federal Communications Commission;
- ~~(17) GCS: Glasgow Coma Scale;~~
- ~~(18)~~(16) ICD: International Classification of Diseases;
- ~~(19)~~(17) ISS: Injury Severity Score;
- ~~(20) ICU: Intensive Care Unit;~~
- ~~(21) IV: Intravenous;~~
- ~~(22) LPN: Licensed Practical Nurse;~~
- ~~(23)~~(18) MICN: Mobile Intensive Care Nurse;
- ~~(24)~~(19) NHTSA: National Highway Traffic Safety Administration;
- ~~(25)~~(20) OEMS: Office of Emergency Medical Services;
- ~~(26)~~(21) OR: Operating Room;
- ~~(27)~~(22) PSAP: Public Safety Answering Point;
- ~~(28)~~(23) RAC: Regional Advisory Committee;
- ~~(29)~~(24) RFP: Request For Proposal;
- ~~(30) RN: Registered Nurse;~~
- ~~(31)~~(25) SCTP: Specialty Care Transport Program;
- ~~(32)~~(26) SMARTT: State Medical Asset and Resource Tracking Tool;
- ~~(33)~~(27) STEMI: ST Elevation Myocardial Infarction; and
- ~~(34) TR: Trauma Registrar;~~
- ~~(35) TPM: Trauma Program Manager; and~~
- ~~(36)~~(28) US DOT: United States Department of Transportation.

- (5) "Air Medical Ambulance" means an aircraft configured and medically equipped to transport patients by air. The patient care compartment of air medical ambulances shall be staffed by medical crew members approved for the mission by the Medical Director.
- (6) "Air Medical Program" means a SCTP or EMS System utilizing rotary-wing or fixed-wing aircraft configured and operated to transport patients.
- (7) "Assistant Medical Director" means a physician, EMS-PA, or EMS-NP who assists the Medical Director with the medical aspects of the management of a practice setting utilizing credentialed EMS personnel or medical crew members.
- (8) "Bypass" means a decision made by the patient care technician to transport a patient from the scene of an accident or medical emergency past a receiving facility for the purposes of accessing a facility with a higher level of care, or a hospital of its own volition reroutes a patient from the scene of an accident or medical emergency or referring hospital to a facility with a higher level of care.
- (9) "Community Paramedicine" means an EMS System utilizing credentialed personnel who have received additional training as determined by the EMS system Medical Director to provide knowledge and skills for the community needs beyond the 911 emergency response and transport operating guidelines defined in the EMS system plan.
- (10) "Contingencies" mean conditions placed on a designation that, if unmet, may result in the loss or amendment of a designation.
- (11) "Convalescent Ambulance" means an ambulance used on a scheduled basis solely to transport patients having a known non-emergency medical condition. Convalescent ambulances shall not be used in place of any other category of ambulance defined in this Subchapter.
- (12) "Deficiency" means the failure to meet essential criteria for a designation that can serve as the basis for a focused review or denial of a designation.
- (13) "Department" means the North Carolina Department of Health and Human Services.
- (14) "Diversion" means the hospital is unable to accept a patient due to a lack of staffing or resources.
- (15) "Educational Medical Advisor" means the physician responsible for overseeing the medical aspects of approved EMS educational programs.

Authority G.S. 143-508(b).

10A NCAC 13P .0102 DEFINITIONS

In addition to the definitions in G.S. 131E-155, the following definitions apply throughout this Subchapter:

- (1) "Affiliated EMS Provider" means the firm, corporation, agency, organization, or association identified with a specific county EMS system as a condition for EMS Provider Licensing as required by Rule .0204 of this Subchapter.
- (2) "Affiliated Hospital" means a non-trauma center hospital that is owned by the Trauma Center or there is a contract or other agreement to allow for the acceptance or transfer of the Trauma Center's patient population to the non-trauma center hospital.
- (3) "Affiliate" or "Affiliation" means a reciprocal agreement and association that includes active participation, collaboration, and involvement in a process or system between two or more parties.
- (4) "Alternative Practice Setting" means a practice setting that utilizes credentialed EMS personnel that may not be affiliated with or under the

- (16) "EMS Care" means all services provided within each EMS System by its affiliated EMS agencies and personnel that relate to the dispatch, response, treatment, and disposition of any patient.
- (17) "EMS Educational Institution" means any agency credentialed by the OEMS to offer EMS educational programs.
- (18) "EMS Non-Transporting Vehicle" means a motor vehicle operated by a licensed EMS provider dedicated and equipped to move medical equipment and EMS personnel functioning within the scope of practice of an AEMT or Paramedic to the scene of a request for assistance. EMS nontransporting vehicles shall not be used for the transportation of patients on the streets, highways, waterways, or airways of the state.
- (19) "EMS Peer Review Committee" means a committee as defined in G.S. 131E-155(6b).
- (20) "EMS Performance Improvement Self-Tracking and Assessment of Targeted Statistics" means one or more reports generated from the State EMS data system analyzing the EMS service delivery, personnel performance, and patient care provided by an EMS system and its associated EMS agencies and personnel. Each EMS Performance Improvement Self-Tracking and Assessment of Targeted Statistics focuses on a topic of care such as trauma, cardiac arrest, EMS response times, stroke, STEMI (heart attack), and pediatric care.
- (21) "EMS Provider" means those entities defined in G.S. 131E-155(13a) that hold a current license issued by the Department pursuant to G.S. 131E-155.1.
- (22) "EMS System" means a coordinated arrangement of local resources under the authority of the county government (including all agencies, personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.
- (23) "Essential Criteria" means those items that are the requirements for the respective level of trauma center designation (I, II, or III), as set forth in Rule .0901 of this Subchapter.
- (24) "Focused Review" means an evaluation by the OEMS of corrective actions to remove contingencies that are a result of deficiencies following a site visit.
- (25) "Ground Ambulance" means an ambulance used to transport patients with traumatic or medical conditions or patients for whom the need for specialty care, emergency, or non-emergency medical care is anticipated either at the patient location or during transport.
- (26) "Hospital" means a licensed facility as defined in G.S. 131E-176 or an acute care in-patient diagnostic and treatment facility located within the State of North Carolina that is owned and operated by an agency of the United States government.
- ~~(27) "Immediately Available" means the physical presence of the health professional or the hospital resource within the trauma center to evaluate and care for the trauma patient.~~
- ~~(28)~~(27) "Inclusive Trauma System" means an organized, multi-disciplinary, evidence-based approach to provide quality care and to improve measurable outcomes for all defined injured patients. EMS, hospitals, other health systems, and clinicians shall participate in a structured manner through leadership, advocacy, injury prevention, education, clinical care, performance improvement, and research resulting in integrated trauma care.
- ~~(29)~~(28) "Infectious Disease Control Policy" means a written policy describing how the EMS system will protect and prevent its patients and EMS professionals from exposure and illness associated with contagions and infectious disease.
- ~~(30)~~(29) "Lead RAC Agency" means the agency (comprised of one or more Level I or II trauma centers) that provides staff support and serves as the coordinating entity for trauma planning.
- ~~(31)~~(30) "Level I Trauma Center" means a hospital that has the capability of providing guidance, research, and total care for every aspect of injury from prevention to rehabilitation.
- ~~(32)~~(31) "Level II Trauma Center" means a hospital that provides trauma care regardless of the severity of the injury, but may lack the comprehensive care as a Level I trauma center, and does not have trauma research as a primary objective.
- ~~(33)~~(32) "Level III Trauma Center" means a hospital that provides assessment, resuscitation, emergency operations, and stabilization, and arranges for hospital transfer as needed to a Level I or II trauma center.
- ~~(34) "Licensed Health Care Facility" means any health care facility or hospital licensed by the Department of Health and Human Services, Division of Health Service Regulation.~~
- ~~(35)~~(33) "Medical Crew Member" means EMS personnel or other health care professionals who are licensed or registered in North Carolina and are affiliated with a SCTP.
- ~~(36)~~(34) "Medical Director" means the physician responsible for the medical aspects of the management of a practice setting utilizing credentialed EMS personnel or medical crew members, or a Trauma Center.
- ~~(37)~~(35) "Medical Oversight" means the responsibility for the management and accountability of the

- medical care aspects of a practice setting utilizing credentialed EMS personnel or medical crew members. Medical Oversight includes physician direction of the initial education and continuing education of EMS personnel or medical crew members; development and monitoring of both operational and treatment protocols; evaluation of the medical care rendered by EMS personnel or medical crew members; participation in system or program evaluation; and directing, by two-way voice communications, the medical care rendered by the EMS personnel or medical crew members.
- (38)(36) "Mobile Integrated Healthcare" means utilizing credentialed personnel who have received additional training as determined by the Alternative Practice Setting medical director to provide knowledge and skills for the healthcare provider program needs.
- (39) ~~"Off line Medical Control" means medical supervision provided through the EMS System Medical Director or SCTP Medical Director who is responsible for the day to day medical care provided by EMS personnel. This includes EMS personnel education, protocol development, quality management, peer review activities, and EMS administrative responsibilities related to assurance of quality medical care.~~
- (40)(37) "Office of Emergency Medical Services" means a section of the Division of Health Service Regulation of the North Carolina Department of Health and Human Services located at 1201 Umstead Drive, Raleigh, North Carolina 27603.
- (41)(38) "On-line Medical Control" means the medical supervision or oversight provided to EMS personnel through direct communication in-person, via radio, cellular phone, or other communication device during the time the patient is under the care of an EMS professional.
- (42)(39) "Operational Protocols" means the administrative policies and procedures of an EMS System or that provide guidance for the day-to-day operation of the system.
- (43) ~~"Participating Hospital" means a hospital that supplements care within a larger trauma system by the initial evaluation and assessment of injured patients for transfer to a designated trauma center if needed.~~
- (44)(40) "Physician" means a medical or osteopathic doctor licensed by the North Carolina Medical Board to practice medicine in the state of North Carolina.
- (45)(41) "Regional Advisory Committee" means a committee comprised of a lead RAC agency and a group representing trauma care providers and the community, for the purpose of regional planning, establishing, and maintaining a coordinated trauma system.
- (46)(42) "Request for Proposal" means a State document that must be completed by each hospital seeking initial or renewal trauma center designation.
- (47)(43) "Significant Failure to Comply" means a degree of non-compliance determined by the OEMS during compliance monitoring to exceed the ability of the local EMS System to correct, warranting enforcement action pursuant to Section .1500 of this Subchapter.
- (48)(44) "State Medical Asset and Resource Tracking Tool" means the Internet web-based program used by the OEMS both in its daily operations and during times of disaster to identify, record, and monitor EMS, hospital, health care, and sheltering resources statewide, including facilities, personnel, vehicles, equipment, and pharmaceutical and supply caches.
- (49)(45) "Specialty Care Transport Program" means a program designed and operated for the transportation of a patient by ground or air requiring specialized interventions, monitoring, and staffing by a paramedic who has received additional training as determined by the program Medical Director beyond the minimum training prescribed by the OEMS, or by one or more other healthcare professional(s) qualified for the provision of specialized care based on the patient's condition.
- (50)(46) "Specialty Care Transport Program Continuing Education Coordinator" means a ~~Level I~~ Level II EMS Instructor within a SCTP who is responsible for the coordination of EMS continuing education programs for EMS personnel within the program.
- (51)(47) "Stretcher" means any wheeled or portable device capable of transporting a person in a recumbent position and may only be used in an ambulance vehicle permitted by the Department.
- (52)(48) "Stroke" means an acute cerebrovascular hemorrhage or occlusion resulting in a neurologic deficit.
- (53)(49) "System Continuing Education Coordinator" means the ~~Level I~~ Level II EMS Instructor designated by the local EMS System who is responsible for the coordination of EMS continuing education programs.
- (54)(50) "System Data" means all information required for daily electronic submission to the OEMS by all EMS Systems using the EMS data set, data dictionary, and file format as specified in "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection," incorporated herein by reference including subsequent amendments

and editions. This document is available from the OEMS, 2707 Mail Service Center, Raleigh, North Carolina 27699- 2707, at no cost and online at www.ncems.org at no cost.

- ~~(55)~~(51) "Trauma Center" means a hospital designated by the State of North Carolina and distinguished by its ability to manage, on a 24-hour basis, the severely injured patient or those at risk for severe injury.
- (56) ~~"Trauma Center Criteria" means essential criteria to define Level I, II, or III trauma centers.~~
- (57) ~~"Trauma Center Designation" means a process of approval in which a hospital voluntarily seeks to have its trauma care capabilities and performance evaluated by experienced on-site reviewers.~~
- (58) ~~"Trauma Diversion" means a trauma center of its own volition declines to accept an acutely injured patient due to a lack of staffing or resources.~~
- (59) ~~"Trauma Guidelines" mean standards for practice in a variety of situations within the trauma system.~~
- (60) ~~"Trauma Minimum Data Set" means the basic data required of all hospitals for submission to the Trauma Registry.~~
- ~~(61)~~(52) "Trauma Patient" means any patient with an ICD-CM discharge diagnosis as defined in the "North Carolina Trauma Registry Data Dictionary," incorporated herein by reference, including subsequent amendments and editions. This document is available from the OEMS, 2707 Mail Service Center, Raleigh, North Carolina 27699-2707, at no cost and online at <https://info.ncdhhs.gov/dhsr/EMS/trauma/traumaregistry.html> at no cost.
- ~~(62)~~(53) "Trauma Program" means an administrative entity that includes the trauma service and coordinates other trauma-related activities. It shall also include the trauma Medical Director, trauma program manager/trauma coordinator, and trauma registrar. This program's reporting structure shall give it the ability to interact with at least equal authority with other departments in the hospital providing patient care.
- ~~(63)~~(54) "Trauma Registry" means a disease-specific data collection composed of a file of uniform data elements that describe the injury event, demographics, pre-hospital information, diagnosis, care, outcomes, and costs of treatment for injured patients collected and electronically submitted as defined by the OEMS. The elements of the Trauma Registry can be accessed at <https://info.ncdhhs.gov/dhsr/EMS/trauma/traumaregistry.html> at no cost.
- ~~(64)~~(55) "Treatment Protocols" means a document approved by the Medical Directors of the local

EMS System, Specialty Care Transport Program, Alternative Practice Setting, or Trauma Center and the OEMS specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by EMS personnel or medical crew members based upon the assessment of a patient.

- ~~(65)~~(56) "Triage" means the assessment and categorization of a patient to determine the level of EMS and healthcare facility based care required.
- ~~(66)~~(57) "Water Ambulance" means a watercraft specifically configured and medically equipped to transport patients.

Authority G.S. 131E-155(6b); 131E-162; 143-508(b), 143-508(d)(1); 143-508(d)(2); 143- 508(d)(3); 143-508(d)(4); 143-508(d)(5); 143-508(d)(6); 143-508(d)(7); 143-508(d)(8); 143-508(d)(13); 143-518(a)(5).

SECTION .0200 – EMS SYSTEMS

10A NCAC 13P .0222 TRANSPORT OF STRETCHER BOUND PATIENTS

- (a) Any person transported on a stretcher as defined in Rule .0102 of this Subchapter meets the definition of patient as defined in G.S. 131E-155(16).
- (b) Stretchers may only be utilized for patient transport in an ambulance permitted by the OEMS in accordance with G.S. 131E-156 and Rule .0211 of this Section.
- (c) The Medical Care Commission exempts wheeled chair devices used solely for the transportation of mobility impaired persons seated in an upright position in non-permitted vehicles from the definition of stretcher.

Authority G.S. 131E-156; 131E-157; 143-508(d)(8).

SECTION .0500 – EMS PERSONNEL

10A NCAC 13P .0501 EDUCATIONAL PROGRAMS

- (a) EMS educational programs that qualify credentialed EMS personnel to perform within their scope of practice shall be offered by an EMS educational institution as set forth in Section .0600 of this Subchapter, or by an EMS educational institution in another state where the education and credentialing requirements have been approved for legal recognition by the Department pursuant to G.S. 131E-159 as determined using the professional judgment of OEMS staff following comparison of out-of-state standards with the program standards set forth in this Rule.
- (b) Educational programs approved to qualify EMS personnel for credentialing shall meet the educational content of the "US DOT NHTSA National EMS Education Standards," which is hereby incorporated by reference, including subsequent amendments and editions. This document is available online at no cost at www.ems.gov/education.html.
- (c) Educational programs approved to qualify EMS personnel for AEMT and Paramedic credentialing shall meet the requirements of Paragraph (b) of this Rule and possess verification of

accreditation or a valid letter of review from the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or other accrediting agency determined using the professional judgment of OEMS staff following a comparison of standards.

~~(d)~~ Educational programs approved to qualify EMD personnel for credentialing shall conform with the "ASTM ~~F1258—95(2006)~~: F1258 – 95(2014): Standard Practice for Emergency Medical ~~Dispatch~~ "Dispatch" incorporated by reference including subsequent amendments and editions. This document is available from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428-2959 USA, at a cost of forty ~~eight~~ dollars (~~\$40.00~~)(\$48.00) per copy.

~~(e)~~(e) Instructional methodology courses approved to qualify Level I EMS instructors shall conform with the "US DOT NHTSA 2002 National Guidelines for Educating EMS Instructors" incorporated by reference including subsequent amendments and additions. This document is available online at no cost at www.ems.gov/education.html.

~~(f)~~(f) Continuing educational programs approved by the OEMS to qualify EMS personnel for renewal of credentials shall be approved by demonstrating the ability to assess cognitive competency in the skills and medications for the level of application as defined by the North Carolina Medical Board pursuant to G.S. 143-514.

~~(g)~~(g) Refresher courses shall comply with the requirements defined in Rule .0513 of this Section.

Authority G.S. 143-508(d)(3); 143-508(d)(4); 143-514.

10A NCAC 13P .0502 INITIAL CREDENTIALING REQUIREMENTS FOR EMR, EMT, AEMT, PARAMEDIC, AND EMD

(a) In order to be credentialed by the OEMS as an EMR, EMT, AEMT, or Paramedic, individuals shall:

- (1) ~~be~~ Be at least 18 years of age. An examination may be taken at age 17; however, the EMS credential shall not be issued until the applicant has reached the age of 18.
- (2) ~~complete~~ Complete an approved educational program as set forth in Rule ~~.0501(b)~~ .0501 of this Section for their level of application.
- (3) ~~complete~~ Complete a scope of practice performance evaluation that uses performance measures based on the cognitive, psychomotor, and affective educational objectives set forth in Rule ~~.0501(b)~~ .0501 of this Section and that is consistent with their level of application, and approved by the OEMS. This scope of practice evaluation shall be completed no more than one year prior to examination. This evaluation shall be conducted by a Level I or Level II EMS Instructor credentialed at or above the level of application or under the direction of the primary credentialed EMS instructor or educational medical advisor for the approved educational program.
- (4) ~~within~~ Within 90 days from their course graded date as reflected in the OEMS credentialing database, complete a written examination

administered by the OEMS. If the applicant fails to register and complete a written examination within the ~~90-day~~ 90-day period, the applicant shall obtain a letter of authorization to continue eligibility for testing from his or her EMS Educational Institution's program coordinator to qualify for an extension of the ~~90-day~~ 90-day requirement set forth in this Paragraph. If the EMS Educational Institution's program coordinator declines to provide a letter of authorization, the applicant shall be disqualified from completing the credentialing process. Following a review of the applicant's specific circumstances, OEMS staff will determine, based on professional judgment, if the applicant qualifies for EMS credentialing eligibility. The OEMS shall notify the applicant in writing within 10 business days of the decision.

- (A) a maximum of three attempts within ~~nine~~ six months shall be allowed.
- ~~(B) if the individual fails to pass a written examination, the individual may continue eligibility for examination for an additional three attempts within the following nine months by submitting to the OEMS evidence the individual repeated a course specific scope of practice evaluation as set forth in Subparagraph (a)(3) of this Rule, and evidence of completion of a refresher course as set forth in Rule .0513 of this Section for the level of application; or~~
(~~C~~)(B) if unable to pass the written examination requirement after ~~six~~ three attempts ~~within an 18 period following course grading date as reflected in the OEMS credentialing database,~~ the educational program shall become invalid and the individual may only become eligible for credentialing by repeating the requirements set forth in Rule .0501 of this Section.

- (5) ~~submit~~ Submit to a criminal background history check as set forth in Rule .0511 of this Section.
- (6) ~~submit~~ Submit evidence of completion of all court conditions resulting from any misdemeanor or felony conviction(s).

(b) An individual seeking credentialing as an EMR, EMT, ~~AEMT~~ AEMT, or Paramedic may qualify for initial credentialing under the legal recognition option set forth in G.S. 131E-159(c).

- (1) Individuals possessing a credential for less than two years being used for the level of application shall complete a written examination administered by the OEMS as set forth in this Rule.

(2) Individuals seeking credentialing as an AEMT or Paramedic shall submit documentation that the credential being used for application is from a CAAHEP Accredited program.

(c) In order to be credentialed by the OEMS as an EMD, individuals shall:

- (1) be at least 18 years of age;
- (2) complete the educational requirements set forth in Rule ~~.0501(e)~~ .0501 of this Section;
- (3) complete, within one year prior to application, an AHA CPR course or a course determined by the OEMS to be equivalent to the AHA CPR course, including infant, child, and adult CPR;
- (4) submit to a criminal background history check as defined in Rule .0511 of this Section;
- (5) submit evidence of completion of all court conditions resulting from any misdemeanor or felony conviction(s); and
- (6) possess an EMD nationally recognized credential pursuant to G.S. 131E-159(d).

(d) Pursuant to G.S. 131E-159(h), the Department shall not issue an EMS credential for any person listed on the Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when registration would have been required by law.

Authority G.S. 131E-159(a); 131E-159(b); 131E-159(g); 131E-159(h); 143-508(d)(3); 143B-952.

10A NCAC 13P .0504 RENEWAL OF CREDENTIALS FOR EMR, EMT, AEMT, PARAMEDIC, AND EMD

(a) EMR, EMT, AEMT, and Paramedic applicants shall renew credentials by meeting the following criteria:

- (1) presenting documentation to the OEMS or an approved EMS educational institution or program as set forth in Rule .0601 or .0602 of this Subchapter that they have completed an approved educational program as described in Rule ~~.0501(e)~~ ~~or (f)~~ .0501 of this Section;
- (2) submit to a criminal background history check as set forth in Rule .0511 of this Section;
- (3) submit evidence of completion of all court conditions resulting from applicable misdemeanor or felony conviction(s); and
- (4) be a resident of North Carolina or affiliated with an EMS provider approved by the Department.

(b) An individual may renew credentials by presenting documentation to the OEMS that he or she holds a valid EMS credential for his or her level of application issued by the National Registry of Emergency Medical Technicians or by another state where the education and credentialing requirements have been determined by OEMS staff in their professional judgment to be equivalent to the educations and credentialing requirements set forth in this Section.

(c) EMD applicants shall renew credentials by presenting documentation to the OEMS that he or she holds a valid EMD credential issued by a national credentialing agency using the education criteria set forth in Rule ~~.0501(e)~~ .0501 of this Section.

(d) Upon request, an EMS professional may renew at a lower credentialing level by meeting the requirements defined in Paragraph (a) of this Rule. To restore the credential held at the higher level, the individual shall meet the requirements set forth in Rule .0512 of this Section.

(e) EMS credentials may not be renewed through a local credentialed institution or program more than 90 days prior to the date of expiration.

(f) Pursuant to G.S. 150B-3(a), if an applicant makes a timely and sufficient application for renewal, the EMS credential shall not expire until a decision on the credential is made by the Department. If the application is denied, the credential shall remain effective until the last day for applying for judicial review of the Department's order.

(g) Pursuant to G.S. 131E-159(h), the Department shall not renew the EMS credential for any person listed on the North Carolina Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration at a time when registration would have been required by law.

Authority G.S. 131E-159(a); 131E-159(g); 131E-159(h); 143-508(d)(3); 143B-952; 150B-3(a).

10A NCAC 13P .0507 INITIAL CREDENTIALING REQUIREMENTS FOR LEVEL I EMS INSTRUCTORS

(a) Applicants for credentialing as a Level I EMS Instructor shall:

- (1) be currently credentialed by the OEMS as an EMT, AEMT, or Paramedic;
- (2) have completed post-secondary level education equal to or exceeding a minimum of an Associate Degree from an institution accredited by an approved agency listed on the U.S. Department of Education website, www.ed.gov:
 - (A) The Department shall accept degrees from programs accredited by the Accreditation Commission for Education in Nursing (ACEN) and the Commission on Accreditation of Allied Health Education Programs.
 - (B) Additional degrees may be accepted based on the professional judgment of OEMS staff following a comparison of standards;
- ~~(2)~~(3) have three years experience at the scope of practice for the level of application;
- ~~(3)~~(4) within one year prior to application, complete an in-person evaluation that demonstrates the applicant's ability to provide didactic and clinical instruction based on the cognitive, psychomotor, and affective educational objectives in Rule ~~.0501(b)~~ .0501 of this Section consistent with their level of application and approved by the OEMS:
 - (A) for a credential to teach at the EMT level, this evaluation shall be conducted under the direction of a Level II EMS Instructor credentialed

at or above the level of application; and

(B) for a credential to teach at the AEMT or Paramedic level, this evaluation shall be conducted under the direction of the educational medical advisor, or a Level II EMS Instructor credentialed at or above the level of application and designated by the educational medical advisor;

~~(4)~~(5) have 100 hours of teaching experience at or above the level of application in an approved EMS educational program or a program determined by OEMS staff in their professional judgment equivalent to an EMS education program;

~~(5)~~(6) complete an educational program as described in Rule ~~.0501(d)~~ .0501 of this Section; and

~~(6)~~(7) within one year prior to application, attend an OEMS Instructor workshop sponsored by the OEMS. A listing of scheduled OEMS Instructor workshops is available from the OEMS at www.ncems.org; and <https://info.ncdhhs.gov/dhsr/ems>.

~~(7)~~ have a high school diploma or General Education Development certificate.

(b) An individual seeking credentialing for Level I EMS Instructor may qualify for initial credentialing under the legal recognition option defined in G.S. 131E-159(c).

(c) The credential of a Level I EMS Instructor shall be valid for four years, or less pursuant to G.S. ~~131E-159(e)~~ 131E-159(c), unless any of the following occurs:

(1) the OEMS imposes an administrative action against the instructor credential; or

(2) the instructor fails to maintain a current EMT, AEMT, or Paramedic credential at the highest level that the instructor is approved to teach.

(d) Pursuant to the provisions of G.S. 131E-159(h), the Department shall not issue an EMS credential for any person listed on the Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when registration would have been required by law.

Authority G.S. 131E-159; 143-508(d)(3).

10A NCAC 13P .0508 INITIAL CREDENTIALING REQUIREMENTS FOR LEVEL II EMS INSTRUCTORS

(a) Applicants for credentialing as a Level II EMS Instructor shall:

(1) be currently credentialed by the OEMS as an EMT, AEMT, or Paramedic;

(2) be currently credentialed by the OEMS as a Level I Instructor at the EMT, AEMT, or Paramedic level;

~~(2)~~(3) have completed post-secondary level education equal to or exceeding an Associate Degree; a Bachelor's Degree from an institution accredited by an approved agency listed on the

U.S. Department of Education website, www.ed.gov:

(A) The Department shall accept degrees from programs accredited by the Accreditation Commission for Education in Nursing (ACEN) and the Commission on Accreditation of Allied Health Education Programs.

(B) Additional degrees may be accepted based on the professional judgment of OEMS staff following a comparison of standards;

~~(3)~~(4) within one year prior to application, complete an in-person evaluation that demonstrates the applicant's ability to provide didactic and clinical instruction based on the cognitive, psychomotor, and affective educational objectives in Rule ~~.0501(b)~~ .0501 of this Section consistent with their level of application and approved by the OEMS:

(A) for a credential to teach at the EMT level, this evaluation shall be conducted under the direction of a Level II EMS Instructor credentialed at or above the level of application; and

(B) for a credential to teach at the AEMT or Paramedic level, this evaluation shall be conducted under the direction of the educational medical advisor, or a Level II EMS Instructor credentialed at or above the level of application and designated by the educational medical advisor;

~~(4)~~(5) have two a minimum two concurrent years teaching experience as a Level I EMS Instructor at or above the level of ~~application~~ application, or as a Level II EMS Instructor at a lesser credential level applying for a higher level in an approved EMS educational ~~program~~ program, or teaching experience determined by OEMS staff in their professional judgment to be equivalent to an EMS Level I education program;

~~(5)~~(6) complete the "EMS Education Administration Course conducted by a North Carolina Community College or the National Association of EMS Educators Level II Instructor ~~Course~~; Course that is valid for the duration of the active Level II Instructor credential; and

~~(6)~~(7) within one year prior to application, attend an OEMS Instructor workshop sponsored by the OEMS. A listing of scheduled OEMS Instructor workshops is available from the OEMS at www.ncems.org;

<https://info.ncdhhs.gov/dhsr/ems>.

(b) An individual seeking credentialing for Level II EMS Instructor may qualify for initial credentialing under the legal recognition option defined in G.S. 131E-159(c).

(c) The credential of a Level II EMS Instructor is valid for four years, or less pursuant to ~~G.S. 131E-159(e)~~ 131E-159(c), unless any of the following occurs:

- (1) the OEMS imposes an administrative action against the instructor credential; or
- (2) the instructor fails to maintain a current EMT, AEMT, or Paramedic credential at the highest level that the instructor is approved to teach.

(d) Pursuant to the provisions of G.S. 131E-159(h) the Department shall not issue an EMS credential for any person listed on the Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when registration would have been required by law.

Authority G.S. 131E-159; 143-508(d)(3).

10A NCAC 13P .0510 RENEWAL OF CREDENTIALS FOR LEVEL I AND LEVEL II EMS INSTRUCTORS

(a) Level I and Level II EMS Instructor applicants shall renew credentials by presenting documentation to the OEMS that they:

- (1) are credentialed by the OEMS as an EMT, ~~AEMT~~ AEMT, or Paramedic;
- (2) within one year prior to application, complete an evaluation that demonstrates the applicant's ability to provide didactic and clinical instruction based on the cognitive, psychomotor, and affective educational objectives in Rule ~~.0501(b)~~ .0501 of this Section consistent with their level of application and approved by the OEMS:

- (A) to renew a credential to teach at the EMT level, this evaluation shall be conducted under the direction of a Level II EMS Instructor credentialed at or above the level of application; and
- (B) to renew a credential to teach at the AEMT or Paramedic level, this evaluation shall be conducted under the direction of the educational medical advisor, or a Level II EMS Instructor credentialed at or above the level of application and designated by the educational medical advisor;

- (3) completed 96 hours of EMS instruction at the level of ~~application; and application.~~ Individuals identified as EMS program coordinators or positions determined by OEMS staff in the professional judgment to the equivalent to an EMS program coordinator may provide up to 72 hours related to the institution's needs, with the remaining 24 hours in EMS instruction;

(4) completed 24 hours of educational professional development as defined by the educational institution that provides for:

- (A) enrichment of knowledge;
- (B) development or change of attitude in students; or
- (C) acquisition or improvement of skills; and

(5) within one year prior to renewal application, attend an OEMS Instructor workshop sponsored by the OEMS.

(b) An individual may renew a Level I or Level II EMS Instructor credential under the legal recognition option defined in G.S. 131E-159(c).

(c) The credential of a Level I or Level II EMS Instructor is valid for four years, or less pursuant to G.S. 131E-159(c) unless any of the following occurs:

- (1) the OEMS imposes an administrative action against the instructor credential; or
- (2) the instructor fails to maintain a current EMT, AEMT, or Paramedic credential at the highest level that the instructor is approved to teach.

(d) Pursuant to the provisions of G.S. 131E-159(h), the Department shall not issue an EMS credential for any person listed on the Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when registration would have been required by law.

Authority G.S. 131E-159(a); 131E-159(b); 143-508(d)(3).

10A NCAC 13P .0512 REINSTATEMENT OF LAPSED EMS CREDENTIAL

(a) EMS personnel enrolled in an OEMS approved continuing education program as set forth in Rule .0601 of this Subchapter and ~~that~~ who was eligible for renewal of an EMS credential prior to expiration, may request the EMS educational institution submit documentation of the continuing education record to the OEMS. OEMS shall renew the EMS credential to be valid for four years from the previous expiration date.

(b) An individual with a lapsed North Carolina EMS credential is eligible for reinstatement through the legal recognition option defined in G.S. 131E-159(c) and Rule .0502 of this Section.

(c) EMR, EMT, AEMT, and Paramedic applicants for reinstatement of an EMS credential, lapsed up to ~~24~~ 12 months, shall:

- (1) be ineligible for legal recognition pursuant to G.S. 131E-159(c);
- (2) be a resident of North Carolina or affiliated with a North Carolina EMS Provider;
- (3) at the time of application, present evidence that renewal education requirements were met prior to expiration or complete a refresher course at the level of application taken following expiration of the credential;
- (4) ~~EMRs and EMTs shall~~ complete an OEMS administered written examination for the individual's level of credential application;

- (5) undergo a criminal history check performed by the OEMS; and
- (6) submit evidence of completion of all court conditions resulting from applicable misdemeanor or felony conviction(s).

~~(d) EMR and EMT applicants for reinstatement of an EMS credential, lapsed more than 24 months, must:~~

- ~~(1) be ineligible for legal recognition pursuant to G.S. 131E-159(c); and~~
- ~~(2) meet the provisions for initial credentialing set forth in Rule .0502 of this Section~~

~~(e) AEMT and Paramedic applicants for reinstatement of an EMS credential, lapsed between 24 and 48 months, shall:~~

- ~~(1) be ineligible for legal recognition pursuant to G.S. 131E-159(c);~~
- ~~(2) be a resident of North Carolina or affiliated with a North Carolina EMS Provider;~~
- ~~(3) present evidence of completion of a refresher course at the level of application taken following expiration of the credential;~~
- ~~(4) complete an OEMS administered written examination for the individuals level of credential application;~~
- ~~(5) undergo a criminal history check performed by the OEMS; and~~
- ~~(6) submit evidence of completion of all court conditions resulting from applicable misdemeanor or felony conviction(s).~~

~~(f)(d) AEMT, EMR, EMT, AEMT, and Paramedic applicants for reinstatement of an EMS credential, lapsed more than 48 12 months, shall:~~

- ~~(1) be ineligible for legal recognition pursuant to G.S. 131E-159(c); and~~
- ~~(2) meet the provisions for initial credentialing set forth in Rule .0502 of this Section.~~

~~(e) EMT, AEMT, and Paramedic applicants for reinstatement of an EMS Instructor Credential, lapsed up to 12 months, shall:~~

- ~~(1) be ineligible for legal recognition pursuant to G.S. 131E-159(c);~~
- ~~(2) be a resident of North Carolina or affiliated with a North Carolina EMS Provider; and~~
- ~~(3) at the time of application, present evidence that renewal requirements were met prior to expiration or within six months following the expiration of the Instructor credential.~~

~~(f) EMT, AEMT, and Paramedic applicants for reinstatement of an EMS Instructor credential, lapsed greater than 12 months, shall:~~

- ~~(1) be ineligible for legal recognition pursuant to G.S. 131E-159(c); and~~
- ~~(2) meet the requirements for initial Instructor credentialing set forth in Rules .0507 and .0508 of this Section. Degree requirements that were not applicable to EMS Instructors initially credentialed prior to July 1, 2021 shall be required for reinstatement of a lapsed credential.~~

(g) EMD applicants shall renew a lapsed credential by meeting the requirements for initial credentialing set forth in Rule .0502 of this Section.

(h) Pursuant to G.S. 131E-159(h), the Department shall not issue or renew an EMS credential for any person listed on the Department of Public Safety, Sex Offender and Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when registration would have been required by law.

Authority G.S. 131E-159; 143-508(d)(3); 143B-952.

SECTION .0600 – EMS EDUCATIONAL INSTITUTIONS AND PROGRAMS

10A NCAC 13P .0601 CONTINUING EDUCATION EMS EDUCATIONAL INSTITUTION PROGRAM REQUIREMENTS

(a) Continuing Education EMS Educational ~~Institutions Programs~~ shall be credentialed by the OEMS to provide only EMS continuing education ~~programs.~~ education. An application for credentialing as an approved EMS continuing education ~~institution program~~ shall be submitted to the OEMS for review.

(b) Continuing Education EMS Educational ~~Institutions Programs~~ shall have:

- (1) at least a Level I EMS Instructor as program coordinator and shall hold a Level I EMS Instructor credential at a level equal to or greater than the highest level of continuing education program offered in the EMS ~~System or System, Specialty Care Transport Program; Program, or Agency;~~
- (2) a continuing education program shall be consistent with the services offered by the EMS ~~System or System, Specialty Care Transport Program; Program, or Agency;~~
 - (A) In an EMS System, the continuing education programs shall be reviewed and approved by the system continuing education coordinator and Medical Director; ~~and~~
 - (B) In a Specialty Care Transport Program, the continuing education program shall be reviewed and approved by Specialty Care Transport Program Continuing Education Coordinator and the Medical Director; and
 - (C) In an Agency not affiliated with an EMS System or Specialty Care Transport Program, the continuing education program shall be reviewed and approved by the Agency Program Medical Director;
- (3) written educational policies and procedures to include each of the following:
 - (A) the delivery of educational programs in a manner where the content and material is delivered to the intended

audience, with a limited potential for exploitation of such content and material;

- (B) the record-keeping system of student attendance and performance;
 - (C) the selection and monitoring of EMS instructors; and
 - (D) student evaluations of faculty and the program's courses or components, and the frequency of the evaluations;
- (4) access to instructional supplies and equipment necessary for students to complete educational programs as defined in Rule ~~.0501(b)~~ .0501 of this Subchapter;
- (5) meet ~~at a minimum~~, the educational program requirements as defined in Rule ~~.0501(e)~~ .0501 of this Subchapter;
- (6) Upon request, the approved EMS continuing education ~~institution~~ program shall provide records to the OEMS in order to verify compliance and student eligibility for credentialing; and
- (7) ~~unless accredited in accordance with Rule .0605 of this Section~~, approved education ~~institution~~ program credentials are valid for a period not to exceed four years.

(c) Program coordinators shall attend an OEMS Program Coordinator workshop annually. A listing of scheduled OEMS Program Coordinator Workshops is available at <https://emspic.org>.

~~(d)~~ Assisting physicians delegated by the EMS System Medical Director as authorized by Rule ~~.0403(b)~~ .0403 of this Subchapter or SCTP Medical Director as authorized by Rule ~~.0404(b)~~ .0404 of this Subchapter for provision of medical oversight of continuing education programs must meet the Education Medical Advisor criteria as defined in the "North Carolina College of Emergency Physicians: Standards for Medical Oversight."

Authority G.S. 143-508(d)(4); 143-508(d)(13).

10A NCAC 13P .0602 BASIC AND ADVANCED EMS EDUCATIONAL INSTITUTION REQUIREMENTS

(a) Basic and Advanced EMS Educational Institutions may offer educational programs for which they have been credentialed by the OEMS.

- (1) EMS Educational Institutions shall complete a minimum of two initial courses for each educational program approved for the Educational Institution's credential approval period.
- (2) EMS Educational Institutions that do not complete two initial courses for each educational program approved shall be subject to action as set forth in Rule .1505 of this Subchapter.

(b) For initial courses, Basic EMS Educational Institutions shall meet all of the requirements for continuing EMS educational

~~institutions~~ programs defined in Rule .0601 of this Section and shall have:

- (1) at least a Level I EMS Instructor as each lead course instructor for ~~EMR and EMT~~ all courses. The lead course instructor must be credentialed at a level equal to or higher than the course ~~offered~~; and shall meet the lead instructor responsibilities under Standard III of the CAAHEP Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions. The lead instructor shall:
 - (A) perform duties assigned under the direction and delegation of the program director.
 - (B) assist in coordination of the didactic, lab, clinical, and field internship instruction.
- (2) a lead EMS educational program coordinator. This individual ~~may be either~~ shall be a Level II EMS Instructor credentialed at or above the highest level of course offered by the ~~institution, or a combination of staff who cumulatively meet the requirements of the Level II EMS Instructor set forth in this Subparagraph. These individuals may share the responsibilities of the lead EMS educational~~ coordinator. The details of this option shall be defined in the educational plan required in Subparagraph (b)(5) of this Rule; institution, and:
 - (A) have EMS or related allied health education, training, and experience;
 - (B) be knowledgeable about methods of instruction, testing, and evaluation of students;
 - (C) have field experience in the delivery of pre-hospital emergency care;
 - (D) have academic training and preparation related to emergency medical services, at least equivalent to that of a paramedic; and
 - (E) be knowledgeable of current versions of the National EMS Scope of Practice and National EMS Education Standards as defined by USDOT NHTSA National EMS, evidenced-informed clinical practice, and incorporated by Rule .0501 of this Section;
- (3) a lead EMS educational program coordinator responsible for the following:
 - (A) the administrative oversight, organization, and supervision of the program;
 - (B) the continuous quality review and improvement of the program;
 - (C) the long-range planning on ongoing development of the program;

- (D) evaluating the effectiveness of the instruction, faculty, and overall program;
- (E) the collaborative involvement with the Education Medical Advisor;
- (F) the training and supervision of clinical and field internship preceptors; and
- (G) the effectiveness and quality of fulfillment of responsibilities delegated to another qualified individual;
- (3)(4) written educational policies and procedures that include:
 - (A) the written educational policies and procedures set forth in Rule .0601(b)(4) .0601 of this Section;
 - (B) the delivery of cognitive and psychomotor examinations in a manner that will protect and limit the potential for exploitation of such content and material;
 - (C) the exam item validation process utilized for the development of validated cognitive examinations;
 - (D) the selection and monitoring of all in-state and out-of-state clinical education and field internship sites;
 - (E) the selection and monitoring of all educational institutionally approved clinical education and field internship preceptors;
 - (F) utilization of EMS preceptors providing feedback to the student and EMS program;
 - (G) the evaluation of preceptors by their students, including the frequency of evaluations;
 - (H) the evaluation of the clinical education and field internship sites by their students, including the frequency of evaluations; and
 - (I) completion of an annual evaluation of the program to identify any correctable deficiencies;
- (4)(5) an Educational Medical Advisor that meets the criteria as defined in the "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection;" ~~and Collection~~ who is responsible for the following:
 - (A) medical oversight of the program;
 - (B) collaboration to provide appropriate and updated educational content for the program curriculum;
 - (C) establishing minimum requirements for program completion;
 - (D) oversight of student evaluation, monitoring, and remediation as needed;

- (E) ensuring entry level competence;
- (F) ensuring interaction of physician and students; and
- (5)(6) written educational policies and procedures describing the delivery of educational programs, the record-keeping system detailing student attendance and performance, and the selection and monitoring of EMS instructors.
- (c) For initial courses, Advanced Educational Institutions shall meet all requirements ~~defined set forth~~ in Paragraph (b) of this Rule, ~~and have a Level II EMS Instructor as lead instructor for AEMT and Paramedic initial courses. The lead instructor shall be credentialed at a level equal to or higher than the course offered.~~ Rule, standard III of the CAAHEP Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions shall apply, and:
 - (1) The faculty must be knowledgeable in course content and effective in teaching their assigned subjects, and capable through academic preparation, training, and experience to teach the courses or topics to which they are assigned.
 - (2) A faculty member to assist in teaching and clinical coordination in addition to the program coordinator.
- (d) Basic and Advanced EMS Educational Institution credentials shall be valid for a period of four years, unless the institution is accredited in accordance with Rule .0605 of this Section.

Authority G.S. 143-508(d)(4); 143-508(d)(13).

SECTION .0900 - TRAUMA CENTER STANDARDS AND APPROVAL

10A NCAC 13P .0904 INITIAL DESIGNATION PROCESS

- (a) For initial Trauma Center designation, the hospital shall request a consult visit by OEMS and the consult shall occur within one year prior to submission of the RFP.
- (b) A hospital interested in pursuing Trauma Center designation shall submit a letter of intent 180 days prior to the submission of an RFP to the OEMS. The letter shall define the hospital's primary trauma catchment area. Simultaneously, Level I or II applicants shall also demonstrate the need for the Trauma Center designation by submitting one original and three copies of documents that include:
 - (1) the population to be served and the extent that the population is underserved for trauma care with the methodology used to reach this conclusion;
 - (2) geographic considerations, to include trauma primary and secondary catchment area and distance from other Trauma Centers; and
 - (3) ~~evidence~~ evidence for Level 1 applicants, evidence the Trauma Center will admit at least 1200 trauma patients annually or show that its trauma service will be taking care of at least 240 trauma patients yearly with an ISS greater than or equal to 15 yearly. ~~15. These criteria shall be met without compromising the quality of care or~~

~~cost effectiveness of any other designated Level I or II Trauma Center sharing all or part of its catchment area or by jeopardizing the existing Trauma Center's ability to meet this same 240-patient minimum.~~

(c) The hospital shall be participating in the State Trauma Registry as defined in Rule .0102 of this Subchapter, and submit data to the OEMS weekly a minimum of 12 months prior to application that includes all the Trauma Center's trauma patients as defined in Rule .0102 of this ~~Subchapter who are:~~ Subchapter.

- ~~(1) diverted to an affiliated hospital;~~
- ~~(2) admitted to the Trauma Center for greater than 24 hours from an ED or hospital;~~
- ~~(3) die in the ED;~~
- ~~(4) are DOA; or~~
- ~~(5) are transferred from the ED to the OR, ICU, or another hospital (including transfer to any affiliated hospital).~~

~~(d) OEMS shall review the regional Trauma Registry data from both the applicant and the existing trauma center(s), and ascertain the applicant's ability to satisfy the justification of need information required in Paragraph (b) of this Rule. The OEMS shall notify the applicant's primary RAC of the application and provide the regional data submitted by the applicant in Paragraph (b) of this Rule for review and comment. application. The The applicant's primary RAC shall be given 30 days to submit written comments to the OEMS.~~

~~(e) OEMS shall notify the respective Board of County Commissioners in the applicant's primary catchment area of the request for initial designation to allow for comment during the same 30 day comment period.~~

~~(f)(e) OEMS shall notify the hospital in writing of its decision to allow submission of an RFP. If approved, the RAC and Board of County Commissioners in the applicant's primary catchment area shall also be notified by the OEMS that an RFP will be submitted.~~

~~(g)(f) Once the hospital is notified that an RFP will be accepted, the hospital shall complete and submit an electronic copy of the completed RFP with signatures to the OEMS at least 45 days prior to the proposed site visit date.~~

~~(h)(g) The RFP shall demonstrate that the hospital meets the standards for the designation level applied for as found in Rule .0901 of this Section.~~

~~(i)(h) If OEMS does not recommend a site visit based upon failure to comply with Rule .0901 of this Section, the OEMS shall send the written reasons to the hospital within 30 days of the decision. The hospital may reapply for designation within six months following the submission of an updated RFP. If the hospital fails to respond within six months, the hospital shall reapply following the process outlined in Paragraphs (a) through (h)(g) of this Rule.~~

~~(j) If after review of the RFP, the OEMS recommends the hospital for a site visit, the OEMS shall notify the hospital within 30 days and the site visit shall be conducted within six months of the recommendation. The hospital and the OEMS shall agree on the date of the site visit.~~

~~(k)(i) Except for OEMS representatives, any in-state reviewer for a Level I or II visit shall be from outside the local or adjacent RAC, unless mutually agreed upon by the OEMS and the trauma center seeking designation where the hospital is located. The~~

composition of a Level I or II state site survey team shall be as follows:

- (1) one out-of-state trauma surgeon who is a Fellow of the ACS, experienced as a site surveyor, who shall be the primary reviewer;
- (2) one in-state emergency physician who currently works in a designated trauma center, is a member of the American College of Emergency Physicians or American Academy of Emergency Medicine, and is boarded in emergency medicine by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine;
- (3) one in-state trauma surgeon who is a member of the North Carolina Committee on Trauma;
- (4) for Level I designation, one out-of-state trauma program manager with an equivalent license from another state;
- (5) for Level II designation, one in-state program manager who is licensed to practice nursing in North Carolina in accordance with the Nursing Practice Act, Article 9A, Chapter 90 of the North Carolina General Statutes; and
- (6) OEMS Staff.

~~(l)(j) All site team members for a Level III visit shall be from in-state, and, except for the OEMS representatives, shall be from outside the local or adjacent RAC where the hospital is located. The composition of a Level III state site survey team shall be as follows:~~

- (1) one trauma surgeon who is a Fellow of the ACS, who is a member of the North Carolina Committee on Trauma and shall be the primary reviewer;
- (2) one emergency physician who currently works in a designated trauma center, is a member of the North Carolina College of Emergency Physicians or American Academy of Emergency Medicine, and is boarded in emergency medicine by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine;
- (3) one trauma program manager who is licensed to practice nursing in North Carolina in accordance with the Nursing Practice Act, Article 9A, Chapter 90 of the North Carolina General Statutes; and
- (4) OEMS Staff.

~~(m)(k) On the day of the site visit, the hospital shall make available all requested patient medical charts.~~

~~(n)(l) The primary reviewer of the site review team shall give a verbal post-conference report representing a consensus of the site review team. The primary reviewer shall complete and submit to the OEMS a written consensus report within 30 days of the site visit.~~

~~(o)(m) The report of the site survey team and the staff recommendations shall be reviewed by the State Emergency Medical Services Advisory Council at its next regularly scheduled meeting following the site visit. Based upon the site visit report and the staff recommendation, the State Emergency Medical~~

Services Advisory Council shall recommend to the OEMS that the request for Trauma Center designation be approved or denied.

~~(p)(n)~~ All criteria defined in Rule .0901 of this Section shall be met for initial designation at the level requested.

~~(q)(o)~~ Hospitals with a deficiency(ies) resulting from the site visit shall be given up to 12 months to demonstrate compliance. Satisfaction of deficiency(ies) may require an additional site visit. The need for an additional site visit shall be determined on a case-by-case basis based on the type of deficiency. If compliance is not demonstrated within the time period set by OEMS, the hospital shall submit a new application and updated RFP and follow the process outlined in Paragraphs (a) through ~~(h)(g)~~ of this Rule.

~~(r)(p)~~ The final decision regarding Trauma Center designation shall be rendered by the OEMS.

~~(s)(q)~~ The OEMS shall notify the hospital in writing of the State Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the Advisory Council meeting.

~~(t)(r)~~ If a trauma center changes its trauma program administrative structure such that the trauma service, trauma Medical Director, trauma program manager, or trauma registrar are relocated on the hospital's organizational chart at any time, it shall notify OEMS of this change in writing within 30 days of the occurrence.

~~(u)(s)~~ Initial designation as a trauma center shall be valid for a period of three years.

Authority G.S. 131E-162; 143-508(d)(2).

10A NCAC 13P .0905 RENEWAL DESIGNATION PROCESS

- (a) Hospitals may utilize one of two options to achieve Trauma Center renewal:
- (1) undergo a site visit conducted by OEMS to obtain a four-year renewal designation; or
 - (2) undergo a verification visit by the ACS, in conjunction with the OEMS, to obtain a three-year renewal designation.
- (b) For hospitals choosing Subparagraph (a)(1) of this Rule:
- (1) prior to the end of the designation period, the OEMS shall forward to the hospital an RFP for completion. The hospital shall, within 10 business days of receipt of the RFP, define for OEMS the Trauma Center's trauma primary catchment area. Upon this notification, OEMS shall notify the respective Board of County Commissioners in the applicant's trauma primary catchment area of the request for renewal to allow 30 days for comment.
 - (2) hospitals shall complete and submit an electronic copy of the RFP to the OEMS and the specified site surveyors at least 30 days prior to the site visit. The RFP shall include information that supports compliance with the criteria contained in Rule .0901 of this Section as it relates to the Trauma Center's level of designation.
 - (3) all criteria defined in Rule .0901 of this Section, as it relates to the Trauma Center's level of

- designation, shall be met for renewal designation.
- (4) a site visit shall be conducted within 120 days prior to the end of the designation period. The hospital and the OEMS shall agree on the date of the site visit.
 - (5) the composition of a Level I or II site survey team shall be the same as that specified in Rule.0904(k) of this Section.
 - (6) the composition of a Level III site survey team shall be the same as that specified in Rule .0904(l) of this Section.
 - (7) on the day of the site visit, the hospital shall make available all requested patient medical charts.
 - (8) the primary reviewer of the site review team shall give a verbal post-conference report representing a consensus of the site review team. The primary reviewer shall complete and submit to the OEMS a written consensus report within 30 days of the site visit.
 - (9) the report of the site survey team and a staff recommendation shall be reviewed by the NC Emergency Medical Services Advisory Council at its next regularly scheduled meeting following the site visit. Based upon the site visit report and the staff recommendation, the NC Emergency Medical Services Advisory Council shall recommend to the OEMS that the request for Trauma Center renewal be:
 - (A) approved;
 - (B) approved with a contingency(ies) due to a deficiency(ies) requiring a focused review;
 - (C) approved with a contingency(ies) not due to a deficiency(ies) requiring a consultative visit; or
 - (D) denied.
 - (10) hospitals with a deficiency(ies) shall have up to 10 business days prior to the NC Emergency Medical Services Advisory Council meeting to provide documentation to demonstrate compliance. If the hospital has a deficiency that cannot be corrected in this period prior to the NC Emergency Medical Services Advisory Council meeting, the ~~hospital, hospital~~ shall be given 12 months by the OEMS to demonstrate compliance and undergo a focused review that may require an additional site visit. The need for an additional site visit is on a case-by-case basis based on the type of deficiency. The hospital shall retain its Trauma Center designation during the focused review period. If compliance is demonstrated within the prescribed time period, the hospital shall be granted its designation for the four-year period from the previous designation's expiration date. If compliance is not demonstrated within the 12 month time period, the Trauma Center

designation shall not be renewed. To become redesignated, the hospital shall submit an updated RFP and follow the initial applicant process outlined in Rule .0904 of this Section.

- (11) the final decision regarding trauma center renewal shall be rendered by the OEMS.
- (12) the OEMS shall notify the hospital in writing of the NC Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the NC Emergency Medical Services Advisory Council meeting.
- (13) hospitals with a deficiency(ies) shall submit an action plan to the OEMS to address the deficiency(ies) within 10 business days following receipt of the written final decision on the trauma recommendations.

(c) For hospitals choosing Subparagraph (a)(2) of this Rule:

- (1) at least six months prior to the end of the Trauma Center's designation period, the trauma center shall notify the OEMS of its intent to undergo an ACS verification visit. It shall simultaneously define in writing to the OEMS its trauma primary catchment area. Trauma Centers choosing this option shall then comply with all the ACS' verification procedures, as well as any additional state criteria as defined in Rule .0901 of this Section, that apply to their level of designation.
- (2) when completing the ACS' documentation for verification, the Trauma Center shall ensure access to the ACS on-line PRQ (pre-review questionnaire) to OEMS. The Trauma Center shall simultaneously complete any documents supplied by OEMS and forward these to the OEMS.
- ~~(3) the OEMS shall notify the Board of County Commissioners within the trauma center's trauma primary catchment area of the Trauma Center's request for renewal to allow 30 days for comments.~~
- ~~(4)~~(3) the Trauma Center shall make sure the site visit is scheduled to ensure that the ACS' final written report, accompanying medical record reviews and cover letter are received by OEMS at least 30 days prior to a regularly scheduled NC Emergency Medical Services Advisory Council meeting to ensure that the Trauma Center's state designation period does not terminate without consideration by the NC Emergency Medical Services Advisory Council.
- ~~(5)~~(4) any in-state review for a hospital choosing Subparagraph (a)(2) of this Rule, except for the OEMS staff, shall be from outside the local or adjacent RAC in which the hospital is located.
- ~~(6)~~(5) the composition of a Level I, II, or III site survey team for hospitals choosing Subparagraph (a)(2) of this Rule shall be as follows:

- (A) one out-of-state trauma surgeon who is a Fellow of the ACS, experienced as a site surveyor, who shall be the primary reviewer;
- (B) one out-of-state emergency physician who works in a designated trauma center, is a member of the American College of Emergency Physicians or the American Academy of Emergency Medicine, and is boarded in emergency medicine by the American Board of Emergency Physicians or the American Osteopathic Board of Emergency Medicine;
- (C) one out-of-state trauma program manager with an equivalent license from another state; and
- (D) OEMS staff.

~~(7)~~(6) the date, time, and all proposed members of the site visit team shall be submitted to the OEMS for review at least 45 days prior to the site visit. The OEMS shall approve the site visit schedule if the schedule does not conflict with the ability of attendance by required OEMS staff. The OEMS shall approve the proposed site visit team members if the OEMS determines there is no conflict of interest, such as previous employment, by any site visit team member associated with the site visit.

~~(8)~~(7) all state Trauma Center criteria shall be met as defined in Rule .0901 of this Section for renewal of state designation. ACS' verification is not required for state designation. ACS' verification does not ensure a state designation.

~~(9)~~(8) The ACS final written report and supporting documentation described in Subparagraph (c)(4) of this Rule shall be used to generate a report following the post conference meeting for presentation to the NC Emergency Medical Services Advisory Council for renewal designation.

~~(10)~~(9) the final written report issued by the ACS' verification review committee, the accompanying medical record reviews from which all identifiers shall be removed and cover letter shall be forwarded to OEMS within 10 business days of its receipt by the Trauma Center seeking renewal.

~~(11)~~(10) the OEMS shall present its summary of findings report to the NC Emergency Medical Services Advisory Council at its next regularly scheduled meeting. The NC Emergency Medical Services Advisory Council shall recommend to the Chief of the OEMS that the request for Trauma Center renewal be:

- (A) approved;
- (B) approved with a contingency(ies) due to a deficiency(ies) requiring a focused review;

- (C) approved with a contingency(ies) not due to a deficiency(ies); or
- (D) denied.

~~(+2)~~(11) the OEMS shall send the hospital written notice of the NC Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the NC Emergency Medical Services Advisory Council meeting.

~~(+3)~~(12) the final decision regarding trauma center designation shall be rendered by the OEMS.

~~(+4)~~(13) hospitals with contingencies as the result of a deficiency(ies), as determined by OEMS, shall have up to 10 business days prior to the NC Emergency Medical Services Advisory Council meeting to provide documentation to demonstrate compliance. If the hospital has a deficiency that cannot be corrected in this time period, the hospital, may undergo a focused review to be conducted by the OEMS whereby the Trauma Center shall be given 12 months by the OEMS to demonstrate compliance. Satisfaction of contingency(ies) may require an additional site visit. The need for an additional site visit is on a case-by-case basis based on the type of deficiency. The hospital shall retain its Trauma Center designation during the focused review period. If compliance is demonstrated within the prescribed time period, the hospital shall be granted its designation for the three-year period from the previous designation's expiration date. If compliance is not demonstrated within the 12 month time period, the Trauma Center designation shall not be renewed. To become redesignated, the hospital shall submit a new RFP and follow the initial applicant process outlined in Rule .0904 of this Section.

~~(+5)~~(14) hospitals with a deficiency(ies) shall submit an action plan to the OEMS to address the deficiency(ies) within 10 business days following receipt of the written final decision on the trauma recommendations.

(d) If a Trauma Center currently using the ACS' verification process chooses not to renew using this process, it must notify the OEMS at least six months prior to the end of its state trauma center designation period of its intention to exercise the option in Subparagraph (a)(1) of this Rule. Upon notification, the OEMS shall extend the designation for one additional year to ensure consistency with hospitals using Subparagraph (a)(1) of this Rule.

Authority G.S. 131E-162; 143-508(d)(2).

SECTION .1100 - TRAUMA SYSTEM DESIGN

10A NCAC 13P .1101 STATE TRAUMA SYSTEM

(a) The state trauma system shall consist of regional plans, policies, guidelines, and performance improvement

initiatives by the RACs to create an Inclusive Trauma System monitored by the OEMS.

(b) Each hospital and EMS System shall affiliate as defined in Rule ~~.0102(3)~~ .0102 of this Subchapter and participate with the RAC that includes the Level I or II Trauma Center where the majority of trauma patient referrals and transports occur. Each hospital and EMS System shall submit to the OEMS upon request patient transfer patterns from data sources that support the choice of their primary RAC affiliation. Each RAC shall include at least one Level I or II Trauma Center.

~~(c) The OEMS shall notify each RAC of its hospital and EMS System membership annually.~~

~~(d)~~(c) Each hospital and each EMS System Lead RAC Coordinator shall update and submit its RAC affiliation information membership for hospitals and EMS Systems to the OEMS no later than July 1 of each year. Each hospital or EMS System shall submit written notification to the OEMS for any RAC affiliation change. RAC affiliation may only be changed during this annual update and only if supported by a change in the majority of transfer patterns to a Level I or Level II Trauma Center. Documentation of these new transfer patterns shall be included in the request to change affiliation. If no change is made in RAC affiliation, written notification shall be required annually to the OEMS to maintain current RAC affiliation.

Authority G.S. 131E-162.

SECTION .1400 - RECOVERY AND REHABILITATION OF CHEMICALLY DEPENDENT EMS PERSONNEL

10A NCAC 13P .1401 CHEMICAL ADDICTION OR ABUSE TREATMENT RECOVERY PROGRAM REQUIREMENTS

(a) The OEMS shall provide a treatment monitoring program for aiding in the recovery and rehabilitation of EMS personnel subject to disciplinary action for being unable to perform as credentialed EMS personnel with reasonable skill and safety to patients and the public by reason of use of alcohol, drugs, chemicals, or any other type of material as set forth in Rule ~~.1507(b)(9)~~ .1507 of this Subchapter.

(b) This program requires:

- (1) an initial assessment by a healthcare professional ~~specialized~~ specializing in chemical dependency approved by the ~~treatment~~ program;
- (2) a treatment plan developed ~~by the healthcare professional described in Subparagraph (b)(1) of this Rule~~ by a healthcare professional specializing in chemical dependency for the individual using the findings of the initial ~~assessment;~~ assessment. The Department and individual will enter into a consent agreement based up on the treatment plan; and
- (3) ~~random body fluid screenings using a standardized methodology designed by OEMS program staff to ensure reliability in verifying compliance with program standards;~~
- (4) ~~the individual attend three self help recovery meetings each week for the first year of~~

participation, and two each week for the remainder of participation in the treatment program;

(5)(3) monitoring by OEMS program staff of the individual for compliance with the treatment program; consent agreement entered into by the Department and the individual entering the program.

(6) ~~written progress reports, shall be made available for review by OEMS upon completion of the initial assessment of the treatment program, upon request by OEMS throughout the individual's participation in the treatment program, and upon completion of the treatment program. Written progress reports shall include:~~

- (A) ~~progress or response to treatment and when the individual is safe to return to practice;~~
- (B) ~~compliance with program criteria;~~
- (C) ~~a summary of established long term program goals; and~~
- (D) ~~contain pertinent medical, laboratory, and psychiatric records with a focus on chemical dependency.~~

Authority G.S. 131E-159(f); 143-508(b); 143-508(d)(10).

10A NCAC 13P .1403 CONDITIONS FOR RESTRICTED PRACTICE WITH LIMITED PRIVILEGES

(a) In order to assist in determining eligibility for an individual to return to restricted practice, ~~the OEMS shall create a standing Reinstatement Committee that shall consist of at least the following members: completion of all requirements outlined in the individual's consent agreement with the Department as described in Rule .1401 of this Section shall be presented to the Chief of the OEMS.~~

- (1) ~~one physician licensed by the North Carolina Medical Board, representing EMS Systems, who shall serve as Chair of this committee;~~
- (2) ~~one counselor trained in chemical addiction or abuse therapy; and~~
- (3) ~~the OEMS staff member responsible for managing the treatment program as set forth in Rule .1401 of this Section.~~

(b) Individuals who have surrendered his or her EMS credential(s) as a condition of entry into the treatment recovery program, as required in Rule ~~.1402(4)~~ .1402 of this Section, shall be reviewed by the OEMS ~~Reinstatement Committee Chief~~ to determine if ~~a recommendation to the OEMS for~~ issuance of an encumbered EMS credential is warranted by the Department.

(c) In order to obtain an encumbered credential with limited privileges, an individual shall:

- (1) be compliant for a minimum of 90 consecutive days with the treatment program described in Rule ~~.1401(b)~~ .1401 of this Section; and
- (2) be recommended in writing for review by the individual's ~~treatment counselor;~~ recovery

healthcare professional overseeing the treatment plan developed as described in Rule .1401 of this Section.

(3) ~~be interviewed by the OEMS Reinstatement Committee; and~~

(4) ~~be recommended in writing by the OEMS Reinstatement Committee for issuance of an encumbered EMS credential. The OEMS Reinstatement Committee shall detail in their recommendation all restrictions and limitations to the individual's practice privileges.~~

(d) The individual shall agree to sign a consent agreement with the OEMS that details the practice restrictions and privilege limitations of the encumbered EMS credential, and that contains the consequences of failure to abide by the terms of this agreement.

(e) The individual shall be issued the encumbered credential by the OEMS within 10 business days following execution of the consent agreement described in Paragraph (d) of this Rule.

(f) The encumbered EMS credential shall be valid for a period not to exceed four years.

Authority G.S. 131E-159(f); 143-508(b); 143-508(d)(10).

10A NCAC 13P .1404 REINSTATEMENT OF AN UNENCUMBERED EMS CREDENTIAL

Reinstatement of an unencumbered EMS credential is ~~dependant~~ dependent upon the individual successfully completing all requirements of the ~~treatment program consent agreement as defined in~~ set forth in Rule .1401 of this Section.

Authority G.S. 131E-159(f); 143-508(d)(10); 143-509(13).

10A NCAC 13P .1405 FAILURE TO COMPLETE THE CHEMICAL ADDICTION OR ABUSE TREATMENT RECOVERY PROGRAM

Individuals who fail to complete the ~~treatment program consent agreement~~ established in Rule .1401 of this Section, upon review by the OEMS, are subject to revocation of their EMS credential.

Authority G.S. 131E-159(f); 143-508(b); 143-508(d)(10).

SECTION .1500 - DENIAL, SUSPENSION, AMENDMENT, OR REVOCATION

10A NCAC 13P .1505 EMS EDUCATIONAL INSTITUTIONS

(a) For the purpose of this Rule, "focused review" means an evaluation by the OEMS of an educational institution's corrective actions to remove contingencies that are a result of deficiencies identified in the initial or renewal application process.

(b) The Department shall deny the initial or renewal designation, without first allowing a focused review, of an EMS Educational Institution for any of the following reasons:

- (1) significant failure to comply with the provisions of ~~Section .0600~~ Sections .0500 and .0600 of this Subchapter; or

(2) attempting to obtain an EMS Educational Institution designation through fraud or misrepresentation.

(c) When an EMS Educational Institution is required to have a focused review, it shall demonstrate compliance with the provisions of ~~Section .0600~~ Sections .0500 and .0600 of this Subchapter within ~~42~~ six months or less.

(d) The Department shall amend, suspend, or revoke an EMS Educational Institution designation at any time whenever the Department finds that the EMS Educational Institution has significant failure to comply, as defined in Rule .0102 of this Subchapter, with the provisions of Section .0600 of this Subchapter, and:

- (1) it is not probable that the EMS Educational Institution can remedy the deficiencies within ~~42~~ six months or less as determined by OEMS staff based upon analysis of the educational institution's ability to take corrective measures to resolve the issue of non-compliance with Section .0600 of this Subchapter;
- (2) although the EMS Educational Institution may be able to remedy the deficiencies, it is not probable that the EMS Educational Institution shall be able to remain in compliance with credentialing rules;
- (3) failure to produce records upon request as required in Rule ~~.0601(b)(6)~~ .0601 of this Subchapter;
- (4) the EMS Educational Institution failed to meet the requirements of a focused review within ~~42~~ six months, as set forth in Paragraph (c) of this Rule;
- (5) the failure to comply endangered the health, safety, or welfare of patients cared for as part of an EMS educational program as determined by OEMS staff in their professional judgment based upon a complaint investigation, in consultation with the Department and Department of Justice, to verify the results of the investigations are sufficient to initiate enforcement action pursuant to G.S. 150B; or
- (6) the EMS Educational Institution altered, destroyed, or attempted to destroy evidence needed for a complaint investigation.

(e) The Department shall give the EMS Educational Institution written notice of ~~revocation and denial~~ action taken on the Institution designation. This notice shall be given personally or by certified mail and shall set forth:

- (1) the factual allegations;
- (2) the statutes or rules alleged to be violated; and
- (3) notice of the EMS Educational Institution's right to a contested case hearing, set forth in Rule .1509 of this Section, on the revocation of the designation.

(f) Focused review is not a procedural prerequisite to the revocation of a designation as set forth in Rule .1509 of this Section.

(g) If determined by the educational institution that suspending its approval to offer EMS educational programs is necessary, the

EMS Educational Institution may voluntarily surrender its credential without explanation by submitting a written request to the OEMS stating its intention. The voluntary surrender shall not affect the original expiration date of the EMS Educational Institution's designation. To reactivate the designation:

- (1) the institution shall provide OEMS written documentation requesting reactivation; and
- (2) the OEMS shall verify the educational institution is compliant with all credentialing requirements set forth in Section .0600 of this Subchapter prior to reactivation of the designation by the OEMS.

(h) If the institution fails to resolve the issues that resulted in a voluntary surrender, the Department shall revoke the EMS Educational Institution designation.

(i) In the event of a revocation or voluntary surrender, the Department shall provide written notification to all EMS Systems within the EMS Educational Institution's defined service area. The Department shall provide written notification to all EMS Systems within the EMS Educational Institution's defined service area when the voluntary surrender reactivates to full credential.

(j) When an accredited EMS Educational Institution as defined in Rule .0605 of this Subchapter has administrative action taken against its accreditation, the OEMS shall determine if the cause of action is sufficient for revocation of the EMS Educational Institution designation or imposing a focused review pursuant to Paragraphs (b) and (c) of this Rule is warranted.

Authority G.S. 143-508(d)(4); 143-508(d)(10).

10A NCAC 13P .1507 EMS PERSONNEL CREDENTIALS

(a) ~~An~~ Any EMS credential that has been forfeited under G.S. 15A-1331.1 may not be reinstated until the person has complied with the court's requirements, has petitioned the Department for reinstatement, has completed the disciplinary process, and has received Department reinstatement approval.

(b) The Department shall amend, deny, suspend, or revoke the credentials of EMS personnel for any of the following:

- (1) significant failure to comply with the applicable performance and credentialing requirements as found in this Subchapter;
- (2) making false statements or representations to the Department, or concealing information in connection with an application for credentials;
- (3) making false statements or representations, concealing information, or failing to respond to inquiries from the Department during a complaint investigation;
- (4) tampering with, or falsifying any record used in the process of obtaining an initial EMS credential, or in the renewal of an EMS credential;
- (5) in any manner or using any medium, engaging in the stealing, manipulating, copying, reproducing, or reconstructing of any written EMS credentialing examination questions, or scenarios;

- (6) cheating, or assisting others to cheat while preparing to take, or when taking a written EMS credentialing examination;
 - (7) altering an EMS credential, using an EMS credential that has been altered, or permitting or allowing another person to use his or her EMS credential for the purpose of alteration. "Altering" includes changing the name, expiration date, or any other information appearing on the EMS credential;
 - (8) unprofessional conduct, including a significant failure to comply with the rules relating to the function of credentialed EMS personnel contained in this Subchapter, or the performance of or attempt to perform a procedure that is detrimental to the health and safety of any person, or that is beyond the scope of practice of credentialed EMS personnel or EMS instructors;
 - (9) being unable to perform as credentialed EMS personnel with reasonable skill and safety to patients and the public by reason of illness that will compromise skill and safety, use of alcohol, drugs, chemicals, or any other type of material, or by reason of any physical impairment;
 - (10) conviction in any court of a crime involving moral turpitude, a conviction of a felony, a conviction requiring registering on a sex offender registry, or conviction of a crime involving the scope of practice of credentialed EMS personnel;
 - (11) by ~~theft or~~ false representations obtaining or attempting to obtain, money or anything of value from a ~~patient;~~ patient, EMS Agency, or educational institution;
 - (12) adjudication of mental incompetence;
 - (13) lack of competence to practice with a reasonable degree of skill and safety for patients, including a failure to perform a prescribed procedure, failure to perform a prescribed procedure competently, or performance of a procedure that is not within the scope of practice of credentialed EMS personnel or EMS instructors;
 - (14) performing as a credentialed EMS personnel in any EMS System in which the individual is not affiliated and authorized to function;
 - (15) performing or authorizing the performance of procedures, or administration of medications detrimental to a student or individual;
 - (16) delay or failure to respond when on-duty and dispatched to a call for EMS assistance;
 - (17) testing positive, whether for-cause or at random, through urine, blood, or breath sampling, for any substance, legal or illegal, that is likely to impair the physical or psychological ability of the credentialed EMS personnel to perform all required or expected functions while on duty;
 - (18) failure to comply with G.S. 143-518 regarding the use or disclosure of records or data associated with EMS Systems, Specialty Care Transport Programs, Alternative Practice Settings, or patients;
 - (19) refusing to consent to any criminal history check required by G.S. 131E-159;
 - (20) abandoning or neglecting a patient who is in need of care, without making arrangements for the continuation of such care;
 - (21) falsifying a patient's record or any controlled substance records;
 - (22) harassing, abusing, or intimidating a patient, student, bystander, or OEMS staff, either physically, verbally, or in writing;
 - (23) engaging in any activities of a sexual nature with a patient, including kissing, fondling, or touching while responsible for the care of that individual;
 - (24) any criminal arrests that involve charges that have been determined by the Department to indicate a necessity to seek action in order to further protect the public pending adjudication by a court;
 - (25) altering, destroying, or attempting to destroy evidence needed for a complaint investigation being conducted by the OEMS;
 - (26) significant failure to comply with a condition to the issuance of an encumbered EMS credential with limited and restricted practices for persons in the chemical addiction or abuse treatment program;
 - (27) unauthorized possession of lethal or non-lethal weapons, chemical irritants to include mace, pepper (oleoresin capsicum) spray and tear gas, or explosives while in the performance of providing emergency medical services;
 - (28) significant failure to comply to provide EMS care records to the licensed EMS provider for submission to the OEMS as required by Rule .0204 of this Subchapter;
 - (29) continuing to provide EMS care after local suspension of practice privileges by the local EMS System, Medical Director, or Alternative Practice Setting; ~~or~~
 - (30) representing or allowing others to represent that the credentialed EMS personnel has a credential that the credentialed EMS personnel does not in fact ~~have.~~ have;
 - (31) diversion of any medication requiring medical oversight for credentialed EMS personnel; or
 - (32) filing a knowingly false complaint against an individual, EMS Agency, or educational institution.
- (c) Pursuant to the provisions of G.S. 131E-159(h), the OEMS shall not issue an EMS credential for any person listed on the North Carolina Department of Public Safety, Sex Offender and

Public Protection Registry, or who was convicted of an offense that would have required registration if committed at a time when the registration would have been required by law.

(d) Pursuant to the provisions of G.S. 50-13.12, upon notification by the court, the OEMS shall revoke an individual's EMS credential until the Department has been notified by the court that evidence has been obtained of compliance with a child support order. The provisions of G.S. 50-13.12 supersede the requirements of Paragraph (f) of this Rule.

(e) When a person who is credentialed to practice as an EMS professional is also credentialed in another jurisdiction and the other jurisdiction takes disciplinary action against the person, the Department shall summarily impose the same or lesser disciplinary action upon receipt of the other jurisdiction's action. The EMS professional may request a hearing before the EMS Disciplinary Committee. At the hearing the issues shall be limited to:

- (1) whether the person against whom action was taken by the other jurisdiction and the Department are the same person;
- (2) whether the conduct found by the other jurisdiction also violates the rules of the N.C. Medical Care Commission; and
- (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.

(f) The OEMS shall provide written notification of the amendment, denial, suspension, or revocation. This notice shall be given personally or by certified mail, and shall set forth:

- (1) the factual allegations;
- (2) the statutes or rules alleged to have been violated; and
- (3) notice of the individual's right to a contested hearing, set forth in Rule .1509 of this Section, on the revocation of the credential.

(g) The OEMS shall provide written notification to the EMS professional within five business days after information has been entered into the National Practitioner Data Bank and the Healthcare Integrity and Protection Integrity Data Bank.

(h) The EMS System Administrator, Primary Agency Contact, Medical Director, Educational Institution Program Coordinator, or Medical Advisor shall notify the OEMS of any violation listed in Paragraph (b) of this Rule.

Authority G.S. 131E-159; 143-508(d)(10); 143-519.

10A NCAC 13P .1511 PROCEDURES FOR QUALIFYING FOR AN EMS CREDENTIAL FOLLOWING ENFORCEMENT ACTION

(a) Any individual who has been subject to ~~denial~~, suspension, revocation, or amendment of an EMS credential shall submit in writing to the OEMS a request for review to determine eligibility for credentialing.

(b) Factors the Department shall consider when determining eligibility shall include:

- (1) the reason for administrative action, including:
 - (A) criminal history;
 - (B) patient care;
 - (C) substance abuse; and

- (D) failure to meet credentialing requirements;
- (2) the length of time since the administrative action was taken; and
- (3) any mitigating or aggravating factors relevant to obtaining a valid EMS credential.

- (c) In order to be considered for eligibility, the individual shall:
 - (1) wait a minimum of 36 months following administrative action before seeking review; and
 - (2) undergo a criminal history background check. If the individual has been charged or convicted of a misdemeanor or felony in this or any other state or country within the previous 36 months, the 36 month waiting period shall begin from the date of the latest charge or conviction.

(d) If determined to be eligible, the Department shall grant authorization for the individual to begin the process for EMS credentialing as set forth in Rule .0502 of this Subchapter.

(e) Prior to enrollment in an EMS educational program, the individual shall disclose the prior administrative action taken against the individual's credential in writing to the EMS Educational Institution.

(f) An individual who has undergone administrative action against his or her EMS credential is not eligible for legal recognition as defined in G.S. 131E-159(d) or issuance of a temporary EMS credential as defined in G.S. 131E159(e).

(g) For a period of 10 years following restoration of the EMS credential, the individual shall disclose the prior administrative action taken against his or her credential to every EMS System, Medical Director, EMS Provider, and EMS Educational Institution where he or she is affiliated and provide a letter to the OEMS from each verifying disclosure.

(h) If the Department determines the individual is ineligible for EMS credentialing pursuant to this Rule, the Department shall provide in writing the reason(s) for denial and inform him or her of the procedures for contested case hearing as set forth in Rule .1509 of this Section.

Authority G.S. 131E-159(g); 143-508(d)(3); 143-508(d)(10).

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09B .0202, .0209, .0403; and 09G .0414.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

Proposed Effective Date: July 1, 2021

Public Hearing:
Date: February 24, 2021
Time: 10:00 a.m.

Location: Wake Technical Community College Public Safety, 321 Chapanoke Rd., Raleigh NC 27603

Reason for Proposed Action:

12 NCAC 09B .0202 - Updating the mandatory evaluator to ensure consistency.

12 NCAC 09B .0209 - Removing the practical exercises, demonstrations, and post-testing from the instructional hours. Still requiring that these exercises, demonstrations, and post-testing take place – however, the time that each of these activities takes maybe dependent upon the number of students in the course.

12 NCAC 09B .0403 - adding language to address certification status for separation law enforcement.

12 NCAC 09G .0414 - simply language in the rule to refer back to 09B .0209.

Comments may be submitted to: Charminique D. Williams, PO Box Drawer 149, Raleigh, NC 27602

Comment period ends: February 24, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

Note: The text in italics is pending RRC review at the December 17, 2020 meeting.

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
(2) Select and schedule instructors who are certified by the Commission;
(3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
(4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
(5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
(6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
(7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
(A) effective course delivery;
(B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
(C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
(8) If appropriate, recommend housing and dining facilities for trainees;
(9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;
(10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
(11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on

the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:

- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
- (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
- (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;
- (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
- (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, and include the following attachments:
 - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
 - (B) a copy of any rules and requirements for the school. A copy of such rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;

- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- (9) Administer or designate a staff person to administer course specific tests during course delivery:
 - (A) to determine and record the level of trainee comprehension and retention of instructional subject- matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:

- | | |
|---|--|
| <p>(A) a "Student Course Completion" form for each individual enrolled on the day of orientation; and</p> <p>(B) a "Certification and Test Score Release" form.</p> <p>(C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and</p> <p>(D) Orientation class enrollment roster.</p> | <p>(B) a course schedule with the designation of instructors and evaluators utilized in delivery;</p> <p>(C) scores recorded for each trainee on the 70 minute skill presentation; and</p> <p>(D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.</p> |
|---|--|

(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:

- (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter; include a minimum of 78 hours of instruction during the time period the class is taught until course requirements are completed.
- (2) Schedule evaluators at least one evaluator for every six trainees, as follows:
 - (A) ~~no evaluator shall be assigned more than six trainees during a course delivery;~~
 - (A)(B) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
 - (B)(C) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and ~~trainee;~~ trainee evaluation.
- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
 - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
 - (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
 - (C) a copy of any rules, and requirements for the school; and
- (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
 - (A) class enrollment roster;

- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
 - (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
 - (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
 - (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the state exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and
- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)]. This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for

administering the motor-skill examination to the respective trainee.

Authority G.S. 17C-6.

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours of classroom instruction plus the time required to conduct practical exercises, student presentations, and post testing presented during a period of no more than instruction, as defined in Paragraph (c) of this Rule, within 15-business days.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) Orientation and Pre-Test 1 Hour 4 Hours
(2) Instructional Systems Design 5 8 Hours
(3) Law Enforcement Instructor Liabilities and Legal Responsibilities 2 3 Hours
(4) Criminal Justice Instructional Leadership 4 Hours
(5) Lesson Plan Preparation: Professional Resources 2 3 Hours
(6) Lesson Plan Development and Formatting 3 4 Hours
(7) Adult Learning 2 4 Hours
(8) Instructional Styles and Platform Skills 5 8 Hours
(9) Classroom Management 3 4 Hours
(10) Active Learning: Demonstration and Practical Exercises 3 8 Hours
(11) The Evaluation Process of Learning 4 5 Hours
(12) Audio Visual Aids 5 6 Hours
(13) Student 8 Minute Introductions and Video Critique 5 Hours
(14) Student Performance: First 35 Minute Presentation 6 Hours
Second 35 Minute Presentation 6 Hours
Final 70 Minute Presentation and Review 8 Hours

(13)(15) Course Closing and Post-test 1 Hour 4 Hours

(14) Completion of tasks associated with practical exercises, student presentations, and post testing, the number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.

(d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

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

and may be purchased at the cost of printing and postage from the Academy at the following address:

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

Authority G.S. 17C-6.

12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER

(a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time and part-time experience shall be evaluated on the basis of the full-time experience only. The following criteria shall be used by Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:

(1) Persons having completed a Commission-accredited basic training program and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the program shall complete a subsequent Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to neglect on the part of the applicant, in which case the Director shall accept a Commission-accredited basic training program that is over one year old. The appointing agency shall request in writing the extension of the one year period, which shall not exceed 30 days from the first year anniversary of the passing of the state comprehensive examination;

(2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and experience. Out-of-state transferees shall not have a break in service exceeding three years. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course accredited by the transferring State. An individual's attendance at their basic law enforcement class shall not count towards

the two years' full-time sworn law enforcement experience. Prior to employment as a certified law enforcement officer, out-of-state transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;

(3) Persons who have completed a 369-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position for over one year but less than three years, and who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

(4) Persons who have completed a 396-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position more than one year but less than five years and who have a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina, who have not been convicted of a disqualifying criminal offense as listed in Rule .0111(1) of this Subchapter, and who have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Qualification, during each year the person was separated from a sworn position prior to employment as a certified law enforcement officer shall complete the topic areas within the following time frames:

(A) Prior to employment as a certified law enforcement officer, the person shall complete the appointing agency's in-service firearms training and

qualification program as prescribed in 12 NCAC 09E;

(B) Prior to employment as a certified law enforcement officer, the person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter. The person shall also successfully complete the Police Officer Physical Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-Certified instructor for that particular skill. The person shall also meet the requirements per Rule .0101 of this Subchapter; and

(C) Within 12 months of being issued probationary certification, the person shall complete the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction.

An individual's attendance at their basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Persons who meet the criteria listed above shall be processed as a probationary certification and shall serve a one-year probationary period as defined in 12 NCAC 09C .0303.

(4)(5) Persons out of the law enforcement profession for over one year but less than three years who have had less than two years experience as a full-time, sworn law enforcement officer in North Carolina shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, and achieve a

- passing score on the State Comprehensive Examination;
- ~~(5)~~(6) Persons out of the law enforcement profession for over three years and who do not meet the criteria of Subparagraph (4) of this Paragraph shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall achieve a passing score on the State Comprehensive Examination;
- ~~(6)~~(7) Persons who separated from law enforcement employment during their probationary period after having completed a Commission-accredited basic training program and who have separated from a sworn law enforcement position for more than one year shall complete a subsequent Commission-accredited basic training program and shall achieve a passing score on the State Comprehensive Examination;
- ~~(7)~~(8) Persons who separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited basic training program and who have separated from a sworn law enforcement position for less than one year shall serve a new 12 month probationary period as prescribed in Rule .0401(a) of this Section, but shall not be required to complete an additional training program;
- ~~(8)~~(9) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have separated from a sworn law enforcement position for over one year but less than two years shall complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- ~~(9)~~(10) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been separated from a sworn law enforcement position for two or more years shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, regardless of training and experience, and shall achieve a passing score on the State Comprehensive Examination;
- ~~(10)~~(11) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1978, and continuing through September 30, 1984, and have been separated from a sworn position over one year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- ~~(11)~~(12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
- ~~(12)~~(13) Individuals seeking certification with the Commission who have been appointed as Special Agents with the Federal Bureau of Investigation; United States Secret Service; Bureau of Alcohol, Tobacco and Firearms; and Drug Enforcement Administration; United States Marshals and Deputy United States Marshals, who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12

month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics.

~~(13)~~(14) Federal law enforcement transferees other than those listed in Paragraph (12) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period.

~~(14)~~(15) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;

~~(15)~~(16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has performed any law enforcement function during the previous 12 months. A deputy sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not performed a law enforcement function during the previous 12 months.

(A) The Standards Division shall issue certification to an applicant holding active general certification with the Sheriffs' Commission provided that the applicant:

- (i) Does not have a break in service of greater than 12 months;
- (ii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005 for each year certification was held; and
- (iii) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training state comprehensive examination.

(B) The Standards Division shall issue certification to an applicant holding inactive certification with the Sheriffs' Commission provided that the applicant:

- (i) Holds inactive probationary or general certification with the Sheriffs' Commission;
- (ii) Has served a minimum of 24 months of full time sworn service or does not have a break in service of greater than 12 months;
- (iii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year certification was held; and
- (iv) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training state comprehensive examination.

(C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(9)(b) shall meet the following requirements in order to obtain probationary certification from the Commission:

- (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
- (ii) Not have a break in service of greater than 12 months; and

(iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .0505 during the previous 2 years.

(D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff shall not be required to maintain certification with the Sheriffs' Commission for the time period he or she serves as Sheriff. The applicant's certification shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303.

~~(+6)~~(17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service.

~~(+7)~~(18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service.

~~(+8)~~(19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the agency's website: <http://www.ncdoj.gov/getdoc/ac22954d-5e85-4a33-87af-308ba2248f54/F-9C-6-11.aspx>.

(A) Active duty members of the armed forces eligible for probationary certification pursuant to Paragraph (18) of this Rule and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the

required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

(B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:

(i) The person shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

(ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-Certified instructor for that particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a

(iii) physician per Rule .0104(b) of this Subchapter; and
The person shall complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice status.

~~(19)~~(20) An active duty member of the armed forces who completes the basic training course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory in-service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms Qualification and Testing requirements contained in 12 NCAC 09E .0105(a)(1), for each year subsequent to the completion of the basic training course, and achieves a passing score on the state comprehensive examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she separates from active duty status in the armed forces. All mandatory in-service training topics as prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary certification as prescribed in 12 NCAC 09E .0105.

(b) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall prescribe as a

condition of certification supplementary or remedial training to equate previous training with current standards.

(c) If certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require the examinations for the certification.

(d) If an evaluation of the applicant's prior training and experience determines that required attendance in the entire Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the amount of training those persons shall complete during their probationary period.

(e) The following criteria shall be used by Standards Division staff in evaluating prior training and experience of local confinement personnel to determine eligibility for a waiver of training requirements:

- (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel and separate after having completed a Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall complete a subsequent Commission-accredited training course and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Section;
- (2) Persons who separated from a local confinement personnel position after having completed a Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and who have been separated for less than one year shall serve a new 12 month probationary period, but shall be required to complete an additional training program;
- (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. No additional training shall be required where the applicant obtained certification and successfully completed the required 120 hour training course and has not had a break in service in excess of one year; and
- (4) Persons holding certification for local confinement facilities who transfer to a district or county confinement facility shall complete the course for district and county confinement facility personnel, as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Section.

Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0414 INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum number of 90 hours of instruction presented during a continuous period of not more than two weeks as defined in 12 NCAC 09B .0209(e) .0209 to be completed within 15 business days.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the basic curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

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

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

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

Authority G.S. 17C-6.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rule cited as 12 NCAC 09E .0105.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/

Proposed Effective Date: January 1, 2022

Public Hearing:

Date: February 24, 2021

Time: 10:00 a.m.

Location: Wake Technical Community College Public Safety Center, 321 Chapanoke Rd., Raleigh NC 27603

Reason for Proposed Action: Update of mandatory annual in-service topics.

Comments may be submitted to: Charminique D. Williams, PO Box Drawer 149, Raleigh, NC 27602; phone (919) 779-8206

Comment period ends: February 24, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling 44 16 credits, shall be specifically required:

- (1) 2022 Domestic Violence: The Psychology of Whether to Stay or Go (2 hours/credits) 2021 Firearms (minimum 4 credits);
(2) 2022 Creating a Safety Net (2 hours/credits; Juvenile Minority Sensitivity Training) 2021 Legal Update (minimum 4 credits);
(3) 2022 Firearms and Qualification (4 hours/credits) 2021 Continue to Make a Difference: Positive Engagement Stories and Studies (minimum 2 credits);
(4) 2022 Legal Update (4 hours/credits);
(5) 2022 Ethics: Preempting Misconduct and Increasing Integrity (2 hours/credits); and 2021 School Safety and Responding to School Incidents (minimum 4 credits); and
(6) 2022 Practicing Proactive Wellness (2 hours/credits)
(7)(5) Topics of Choice (10 -12 hours/credits);
(A) Incorporating a Co-Response: Partnering with Community Professionals (2 hours/credits); Officer Awareness: Responding to

~~Victims of Trauma (minimum 4 credits);~~

- (B) ~~The Process of De-escalation: Listening, Talking, Defensive Tactics (2-4 hours/credits); Patrol Vehicle Operations (minimum 4 credits);~~
- (C) ~~Civil Unrest: Local Leaders Discuss Lessons Learned (2 hours/credits); Hemp Industry: Overview and Officer Roles (minimum 2 credits); and~~
- (D) ~~Subversive Groups: Maneuvering Encounters with Fringe Groups (2 hours/credits); and Physical and Mental Wellness: Building & Implementing a Plan for Improvement (minimum 2 credits).~~
- (E) Raising the Bar: Enhancing Community Engagement (2 hours/credits).

(b) All sworn law enforcement officers shall complete a minimum of 10 in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:
North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:
North Carolina Justice Academy
Post Office Drawer 99

Salemberg, North Carolina 28385

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

(f) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. The Firearms Training and Qualifications in-service course and topics delivered pursuant to Rule .0104(1) of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

Authority G.S. 17C-6; 17C-10.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Environmental Management Commission intends to adopt the rule cited as 15A NCAC 13B .1713 and repeal through readoption the rules cited as 15A NCAC 13B .1701-.1710.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main>

Proposed Effective Date: May 1, 2021

Public Hearing:

Date: January 6, 2021

Time: 6:00 p.m.

Location: A virtual public hearing will be held by webinar as follows:

WebEx Events meeting link:
https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=efa90104aaa76364c24c80a0fe29f4353
Event number (access code): 178 673 9885
Event password: NCDWM
You may elect to have the system call you, or you may call +1-415-655-0003 US TOLL and enter the access code above.
If you wish to attend the hearing, you must register before 5:00 pm on Tuesday, January 5, 2021.
Registration information can be found on the DEQ proposed Rule webpage at the following link:
https://deq.nc.gov/documents/15a-ncac-13b-1700

Reason for Proposed Action: Rules .1701-.1710 are proposed for repeal because most of the requirements for new coal combustion product structural fills were added to G.S. 130A Article 9 Part 2I by the Coal Ash Management Act of 2014 (CAMA). The requirements that are still necessary in Section .1700 for existing structural fills that are not subject to CAMA have been consolidated and moved to new Rule .1713, which is proposed for adoption.

Comments may be submitted to: Jessica Montie, 1646 Mail Service Center, Raleigh, NC 27699-1646; phone (919) 707-8247; email dwm.publiccomments@ncdenr.gov (please include "Solid Waste Rule Readoption" in the subject line)

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 13 - SOLID WASTE MANAGEMENT

SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

SECTION .1700 - REQUIREMENTS FOR BENEFICIAL USE OF COAL COMBUSTION BY-PRODUCTS PRODUCTS

- 15A NCAC 13B .1701 DEFINITIONS
15A NCAC 13B .1702 GENERAL PROVISIONS FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1703 NOTIFICATION FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1704 SITING FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1706 CLOSURE OF STRUCTURAL FILL FACILITIES
15A NCAC 13B .1707 RECORDATION OF STRUCTURAL FILL FACILITIES
15A NCAC 13B .1708 OTHER USES FOR COAL COMBUSTION BY-PRODUCTS
15A NCAC 13B .1709 STORAGE AND CONTAINMENT OF COAL COMBUSTION BY-PRODUCTS
15A NCAC 13B .1710 ANNUAL REPORTING

Authority G.S. 130A-294.

15A NCAC 13B .1713 REQUIREMENTS FOR EXISTING STRUCTURAL FILLS

(a) This Rule shall apply to existing structural fills. The definitions found in G.S. 130A-290 and G.S. 130A-309.201 shall apply to this Rule. For the purposes of this Rule, "existing structural fill" shall mean a structural fill in which coal combustion products were placed prior to September 20, 2014 in accordance with the rules of this Subchapter that were effective at the time of placement of the coal combustion products. Prior editions of the rules in this Section can be obtained free of charge from the Division of Waste Management at 217 West Jones Street, Raleigh, NC 27603. This Rule shall not apply to structural fills contracted for on or after September 20, 2014.

(b) Upon closure, an existing structural fill shall comply with the requirements of G.S. 130A-309.222(a). For the purposes of this Rule, final cover as required in G.S. 130A-222(a)(1) shall mean one of the following:

- (1) no less than 12 inches of compacted earth and an additional six inches of soil capable of supporting native plant growth on the surface;
(2) an impervious surface such as concrete or asphalt; or
(3) a building or structure that does not allow infiltration of precipitation.

(c) Following closure, an existing structural fill shall be maintained to comply with the requirements set forth in G.S. 130A-309.220(a)(1), (5), (6), (8), (9) and (11), except that the requirements shall not retroactively apply to the design, construction, development, or operation of an existing structural fill. An existing structural fill is subject to the groundwater quality requirements of 15A NCAC 02L and the surface water quality standards set forth in 15A NCAC 02B.

(d) Following closure, an existing structural fill shall comply with following:

- (1) the landowner of the property where the existing structural fill is located shall not move or change the property boundaries in a way that reduces the existing 25-foot buffer between the existing structural fill and the property boundaries;
- (2) the landowner of the property where the existing structural fill is located shall maintain the existing 100-foot buffer between the existing structural fill and any sources of drinking water on land under the control of that landowner; and
- (3) final cover as defined in Paragraph (c) of this Rule shall be maintained.

(e) An existing structural fill shall be recorded in accordance with G.S. 130A-309.223, except that every use of the term "coal combustion residuals" shall be replaced with the term "coal combustion products."

Authority G.S. 130A-294; 130A-309.207; 130A-309.226.

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 06F .0120 and .0124.

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

Proposed Effective Date: April 1, 2021

Public Hearing:
Date: December 31, 2020
Time: 10:00 a.m.

Location: By videoconference at <https://bit.ly/3nxdVgf> or by teleconference at (984) 204-1487, conference ID 908 130 464#

Reason for Proposed Action: *The two amendments would allow schools to offer certain portions of the barber curriculum through online classes. (There are temporary rules currently in place to allow online classes, but these amendments would make a permanent allowance.) Rule 06F .0120 specifies the number of hours that schools can offer online. Rule 06F .0124 exempts online classes from counting toward the limitations on off-campus instruction.*

Comments may be submitted to: *Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699-7000; phone (919) 814-0641; fax (919) 981-5068; email dennis.seavers@nc.gov*

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

21 NCAC 06F .0120 BARBER SCHOOL CURRICULA

(a) The following categories and courses shall comprise the minimum course work for all students at barber schools:

	Hours
Classroom Lecture and Study Periods:	
Hygiene and Good Grooming, Professional Ethics	25
Bacteriology, Sterilization, Sanitation	50
Implements, Honing, Stropping, and Shaving	30
Men's Haircutting	20
Cutting and Styling Curly Hair, Mustaches, and Beards	10
Shampooing and Rinsing, Scalp and Hair Treatments	10
Theory of Massage and Facial Treatments	5
Men's Razor Cutting, Women's Razor, and Shear Cutting	30
Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques	5

PROPOSED RULES

Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying	25
Hair Coloring	10
Men's Hair Pieces	5
The Skin, Scalp, and Hair	30
Disorders of the Skin, Scalp, and Hair	15
Anatomy and Physiology	10
Electricity Therapy, Light Therapy, and Chemistry	10
Barber Styling, Shop Management, and Product Knowledge	70
Licensing Laws and Rules and History of Barbering	20
Supervised Practice in Barbering:	
Shampooing and Scientific Hair and Scalp Treatments	55
Shaving	50
Tapered Hair Cutting	250
Hair Styling of Men and Women	400
Facials, Massages, and Packs	10
Bleaching, Frosting, Hair Coloring, and Body Permanents	90
Cutting and Fitting Hair Pieces	5
Hair Straightening	5
The Analyzing and Treatment of Hair and Skin Disorders	10
Lectures and Demonstrations on Practical Work:	
Shampooing and Scientific Hair and Scalp Treatments	15
Shaving	20
Tapered Hair Cutting	70
Hair Styling of Men and Women	100
Facials, Massages, and Packs	5
Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
Cutting and Fitting Hair Pieces	5
Hair Straightening	3
The Analyzing and Treating of Hair and Skin Disorders	10
Men's and Women's Razor Cutting	15
 Total Hours 1528	

(b) Barber schools shall offer no more than the following hours through online classes based on the curriculum set forth in Paragraph (a) of this Rule:

	<u>Hours</u>
<u>Classroom Lecture and Study Periods:</u>	<u>380</u>
<u>Supervised Practice in Barbering:</u>	
<u>Tapered Hair Cutting</u>	<u>25</u>
<u>Hair Styling of Men and Women</u>	<u>34</u>
<u>Bleaching, Frosting, Hair Coloring, and Body Permanents</u>	<u>35</u>
<u>Lectures and Demonstrations on Practical Work:</u>	
<u>Shampooing and Scientific Hair and Scalp Treatments</u>	<u>8</u>
<u>Shaving</u>	<u>5</u>
<u>Tapered Hair Cutting</u>	<u>20</u>
<u>Hair Styling of Men and Women</u>	<u>50</u>
<u>Bleaching, Frosting, Hair Coloring, and Permanent Waving</u>	<u>5</u>
<u>The Analyzing and Treating of Hair and Skin Disorders</u>	<u>7</u>
<u>Men's and Women's Razor Cutting</u>	<u>7</u>
 <u>Total Online Hours 576</u>	

~~(b)~~(c) All barber schools shall use course books and training materials specifically created for the purpose of teaching barbering skills. Unless the course book or training material has separate and distinct sections covering the practice of barbering, cosmetology course books and training materials are not acceptable.

Authority G.S. 86A-22(1); 86A-22(4).

21 NCAC 06F .0124 STUDENT HOURS

- (a) No student shall be given credit for more than eight total hours during any instruction day.
(b) Students shall record their start time by electronic means upon entering the school for practical or theory hours.
(c) In meeting the minimum course work and designated barber school curricula required by Rule .0120 of this Section, no student shall be given credit for more than eight hours per month and 40 hours for the duration of enrollment in the school that were obtained by instruction or demonstration off school premises or from a field trip, except for hours received through online classes allowed under Rule .0120(b) of this Subchapter.

Authority G.S. 86A-22.

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16J .0101 and .0103.

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

Proposed Effective Date: April 1, 2021

Public Hearing:

Date: February 11, 2021

Time: 6:30 p.m.

Location: 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Reason for Proposed Action: 21 NCAC 16J .0101 and 21 NCAC 16J .0103 are proposed for amendment to clarify terms and requirements and to ensure consistent interpretation and application of the provisions.

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SUBCHAPTER 16J - SANITATION, STERILIZATION, AND INFECTION CONTROL

21 NCAC 16J .0101 PREMISES

(a) The premises of a dental facility shall be kept neat and clean and free of accumulated rubbish and any substances that create a public health or safety hazard, as follows:

- (1) all floors shall be free of obstacles to cleaning;
(2) reception areas, hallways, treatment areas, office facilities, and other walking surfaces shall be free of obstruction;
(3) all equipment and instruments that have been used for patient dental care shall be handled in accordance with Rule .0103 of this Subchapter; and
(4) solid wastes and medical wastes shall be handled and disposed of in accordance with 15A NCAC 18A .1300 which is incorporated by reference, including subsequent amendments.

(b) The premises shall be kept free of all insects and vermin.

(c) Water of a safe, sanitary quality shall be piped under pressure, pressure to all equipment and fixtures where the use of water is required. The water supply shall meet the requirements in 15A NCAC 18A .1700 or 15A NCAC 18C which are incorporated by reference, including subsequent amendments.

(d) All plumbing shall be in accordance with the applicable local plumbing ordinances, ordinances and with the North Carolina State Plumbing Code which is incorporated by reference, including subsequent amendments and editions, and is available at no cost online at https://www.ncosfm.gov/codes/codes-current-and-past.

(e) Comfortable and sanitary conditions for patients and employees shall be maintained at all times, as follows:

- (1) floors, including carpeted areas, shall be kept clean, dry, odor free, and in good repair;
(2) walls and ceilings shall be kept clean and in good repair;
(3) doors, windows, and window treatments shall be kept clean and in good repair;

- (4) equipment, furniture, and light fixtures, including in reception areas, shall be kept clean and in good repair;
- (5) rooms shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and 85°F (30°C), and ventilation equipment shall be kept clean and in good repair; and
- (6) moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces and objects.

(f) All liquid and human waste, including floor wash water, shall be disposed of through trapped drains into a public sanitary sewer system in localities where such system is available. In localities where a public sanitary system is not available, liquid and human waste shall be disposed of in a manner approved by the state Department of Environment and Natural Resources. ~~accordance with 15A NCAC 18A .1300 and 15A NCAC 18C.~~

(g) There shall be functioning toilet facilities on the premises of every dental office. ~~They~~ The toilet facilities and fixtures shall be kept clean and in good repair, and shall conform to standards of the state Department of Environment and Natural Resources. set out in 15A NCAC 18A .1300.

(h) ~~No animals, except certified assistance animals required to assist disabled individuals;~~ animals shall be allowed in any area of a dental office where clinical work is being performed. performed, except service animals in accordance with GS 168-4.2 and the Americans with Disabilities Act.

(i) For purposes of this Rule, "clean" means washed and free from dirt, grime, bodily fluids or tissue, foreign material, or unwanted matter. "Good repair" means capable of being cleaned and used for its intended purpose in a safe manner.

Authority G.S. 90-41(a)(23); 90-48.

21 NCAC 16J .0103 STERILIZATION AND INFECTION CONTROL

(a) ~~All instruments or equipment used in the treatment of dental patients shall be sterilized according to manufacturer specifications. usage. All dental health care settings shall follow the most current guidelines on infection control for the dental office and the dental laboratory adopted by the American Dental Association. Effective control techniques and precautions to prevent the cross contamination and transmission of infection to all persons is the professional responsibility of all dentists. All licensees are required to maintain and provide a safe, therapeutic environment for patients and employees and to follow a comprehensive and practical infection control program at all times.~~

(b) All settings in which licensees engage in the practice of dentistry or dental hygiene ("dental settings") shall comply with the recommendations and guidelines of the Centers for Disease Control and Prevention ("CDC") for infection prevention and control directed at or applicable to dental settings. The CDC recommendations and guidelines are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at <https://www.cdc.gov>.

(c) All licensees are responsible for utilizing and maintaining sterilization and infection control techniques and precautions as

required by this Rule to prevent the cross contamination and transmission of infection to all persons.

Authority G.S. ~~90-28;~~ 90-41(a)(23); 90-48; 90-233(a5).

CHAPTER 28 – LANDSCAPE CONTRACTORS' LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Landscape Contractors' Licensing Board intends to amend the rule cited as 21 NCAC 28B .0601.

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

Proposed Effective Date: June 1, 2021

Public Hearing:

Date: December 30, 2020

Time: 10:00 a.m.

Location: 3901 Barrett Dr., Suite 202, Raleigh NC 27609

Reason for Proposed Action: *To increase statutorily-authorized fees in order to provide improved and more efficient service to licensees and the public.*

Comments may be submitted to: Calvin M. Kirven, North Carolina Landscape Contractors' Licensing Board, 3901 Barrett Dr., Suite 202, Raleigh, NC 27609

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 28B – LICENSING BOARD RULES

SECTION .0600 - FEES

21 NCAC 28B .0601 FEE SCHEDULE

- (a) The Board shall charge the following fees:
(1) Application: \$75.00;
(2) Examination: \$150.00;
(3) Individual license fee: \$60.00; \$100.00;
(4) Corporate license fee: \$60.00; \$100.00;
(5) License renewal: \$60.00; \$100.00;
(6) Late renewal: \$25.00;
(7) Individual license reinstatement: \$100.00;
(8) Corporate license reinstatement: \$100.00;
(9) License by reciprocity: \$100.00; and
(10) Duplicate license: \$25.00.
(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the Board shall charge the applicant the actual cost of the examination services and a prorated portion of the examination fee.
(c) The late renewal and reinstatement fees shall be imposed for renewal applications submitted after August 1. All licenses shall expire on August 1 unless renewed.
(d) All fees charged by the Board are non-refundable.

Authority G.S. 89D-15(2); 89D-15(10); 89D-21.

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Massage and Bodywork Therapy intends to adopt the rules cited as 21 NCAC 30 .0636 and .0704.

Link to agency website pursuant to G.S. 150B-19.1(c): https://bmbt.org/mtpages/news.html

Proposed Effective Date: April 1, 2021

Public Hearing:

Date: January 6, 2021

Time: 10:00 a.m.

Location: Webex conference call - Phone Number: 1-510-338-9438; Access Code: 126 477 3599; Password: 67798927

Reason for Proposed Action: A serious and unforeseen threat to the public health, safety or welfare has arisen with the coronavirus outbreak in North Carolina. The Governor declared a state of emergency on March 10, 2020. All massage and bodywork therapy schools and programs closed their facilities due to the outbreak. To allow students to continue to receive education, the Board proposes to eliminate rules that would prevent schools from being able to offer online classes during a state of emergency. Also, continuing education providers were required to cease from providing in-classroom continuing education courses. To allow massage and bodywork therapists to continue taking continuing education courses to renew their

license, the Board proposes to waive the in-classroom requirement and allow all hours to be completed by distance learning where there is a risk of harm to licensed therapists.

Comments may be submitted to: Charles P. Wilkins, PO Box 2539, Raleigh, NC 27602; phone (919) 546-0050; email cwilkins@bws-law.com

Comment period ends: February 15, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SECTION .0600 - MASSAGE AND BODYWORK THERAPY SCHOOLS

21 NCAC 30 .0636 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the Governor declares a state of emergency, the following exceptions shall apply to massage and bodywork therapy schools, programs and students, the requirements in this Subchapter notwithstanding:

- (1) Classroom hours of supervised instruction that are not hands-on may be provided online, despite the requirement in Rule .0602(10) of this Subchapter.
(2) Total number of supervised classroom hours of instruction that are not hands-on may include online hours, despite the requirement in Rule .0603(b)(4) of this Subchapter.
(3) For a student to receive credit in a course that is not hands-on, the student shall attend, in-class or online, 75 percent of the instructional hours of the course and shall also make up missed instructional hours to equal no less than 98 percent of the instructional hours in the course, pursuant to Rule .0620(11) of this Subchapter.

(4) Schools shall not be required to revise the Student Enrollment Agreement required by Rule .0629 or School Catalog required by Rule .0630 to reflect the exceptions listed in this Rule.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

Authority G.S. 90-626.

SECTION .0700 - CONTINUING EDUCATION

21 NCAC 30 .0704 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the governor declares a state of emergency, the Board may allow all continuing education hours required by G.S. 90-630.5 and Rule .0701(b) of this Chapter to be obtained by distance learning. In making this determination, the Board shall consider the risk of harm to licensed massage and bodywork therapists attending in-classroom continuing education courses.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

Authority G.S. 90-626(9); 150B-19(6).

CHAPTER 58 - REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to adopt the rule cited as 21 NCAC 58A .0120, and amend the rules cited as 21 NCAC 58A .0104, .0105, .0110, .0114, .0503, .1601, .2202; 58H .0210, and .0303.

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

Proposed Effective Date: July 1, 2021

Public Hearing:

Date: February 17, 2021

Time: 9:00 am

Location: In an abundance of caution and to address protective measures to help prevent the spread of COVID-19, this public hearing will be held by webinar only. <https://ncrec.zoom.us/j/98588176314?pwd=U2dJdXpjS1pZRVVabTVidmlaZUFHdz09>

Reason for Proposed Action:

21 NCAC 58A .0104 – AGENCY AGREEMENTS AND DISCLOSURE

Amend this Rule to add racial equity language in agency agreements and disclosures.

21 NCAC 58A .0105 – ADVERTISING

Amend this Rule to add racial equity language in advertising. Amend Paragraph (a)(2) of this Rule to clarify the text that a

broker needs written consent before they advertise or display a sign.

21 NCAC 58A .0110 – BROKER-IN-CHARGE

Amend Paragraph (a) of this Rule to clarify the text of the rule, does not include a substantial change. Amend Paragraph (g)(1) of this Rule to clarify what is meant by ‘employed’ and independent contractors. Amend Paragraph (g)(9) of this Rule to require brokers-in-charge to complete the Commission’s Basic Trust Account Procedures once the broker-in-charge assumes responsibility for a trust account unless the broker-in-charge has previously taken the course within the last three years. Amend this Rule to place a hold on a broker-in-charge’s eligibility designation if there is a pending investigation, unreported criminal conviction, or disciplinary action. Amend Paragraph (g) of this Rule to add a requirement for brokers-in-charge to monitor an unlicensed employee to ensure the unlicensed employee does not engage in brokerage.

21 NCAC 58A .0114 – RESIDENTIAL PROPERTY AND OWNERS’ ASSOCIATION DISCLOSURE STATEMENT

Amend this Rule to add a requirement to disclose the age and fuel type of water heater and Internet access availability in the Disclosure.

21 NCAC 58A .0120 – PROHIBITED ACTS

Adopt this Rule to prohibit brokers from requiring law firms split commission checks and to require commissions to go through a broker-in-charge.

21 NCAC 58A .0503 – LICENSE RENEWAL

Amend this Rule in Paragraph (b) to require all brokers to supply an email address during the license renewal process.

21 NCAC 58A .1601 – FAIR HOUSING

Amend this Rule to add racial equity language.

21 NCAC 58A .2202 - STANDARDS

Amend this Rule to add racial equity language in Broker Price Opinions and Comparative Market Analyses.

21 NCAC 58H .0210 – DENIAL, WITHDRAWAL, OR TERMINATION OF EDUCATION PROVIDER CERTIFICATION

Amend this Rule to add racial equity language.

21 NCAC 58H .0303 – DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL

Amend this Rule to add racial equity language.

Comments may be submitted to: Melissa Vuotto, PO Box 17100, Raleigh, NC 27619-7100; phone (919) 875-3700; email Public.Comment@ncrec.gov

Comment period ends: February 19, 2021

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. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 58A – REAL ESTATE BROKERS

SECTION .0100 - GENERAL BROKERAGE

21 NCAC 58A .0104 AGENCY AGREEMENTS AND DISCLOSURE

(a) Every agreement for brokerage services in a real estate transaction and every agreement for services connected with the management of a property owners association shall be in writing and signed by the parties thereto. Every agreement for brokerage services between a broker and an owner of the property to be the subject of a transaction shall be in writing and signed by the parties at the time of its formation. Every agreement for brokerage services between a broker and a buyer or tenant shall be express and shall be in writing and signed by the parties thereto not later than the time one of the parties makes an offer to purchase, sell, rent, lease, or exchange real estate to another. However, every agreement between a broker and a buyer or tenant that seeks to bind the buyer or tenant for a period of time or to restrict the buyer's or tenant's right to work with other agents or without an agent shall be in writing and signed by the parties thereto from its formation. A broker shall not continue to represent a buyer or tenant without a written, signed agreement when such agreement is required by this Rule. Every written agreement for brokerage services of any kind in a real estate transaction shall be for a definite period of time, shall include the broker's license number, and shall provide for its termination without prior notice at the expiration of that period, except that an agency agreement between a landlord and broker to procure tenants or receive rents for the landlord's property may allow for automatic renewal so long as the landlord may terminate with notice at the end of any contract period and any subsequent renewals. Every written agreement for brokerage services that includes a penalty for early termination shall set forth such a provision in a clear and conspicuous manner that shall distinguish it from other provisions of the agreement. For the purposes of this Rule, an agreement between brokers to cooperate or share compensation shall not be considered an agreement for brokerage services and, except as

required by Rule .1807 of this Subchapter, need not be memorialized in writing.

(b) A broker shall conduct brokerage activities in a manner that is neither determined nor predicated by bias or ideology as to race, color, religion, national origin, sex, familial status, or disability. Every listing agreement, written buyer agency agreement, or other written agreement for brokerage services in a real estate transaction shall contain the following provision: "The broker shall conduct all brokerage activities in regard to this agreement without respect to the race, color, religion, sex, national origin, handicap, or familial status of any party or prospective party." The provision shall be set forth in a clear and conspicuous manner that shall distinguish it from other provisions of the agreement. For the purposes of this Rule, the term, "familial status" shall be defined as it is in G.S. 41A-3(1b).

(c) In every real estate sales transaction, a broker shall, at first substantial contact with a prospective buyer or seller, provide the prospective buyer or seller with a copy of the publication "Working with Real Estate Agents," set forth the broker's name and license number thereon, review the publication with the buyer or seller, and determine whether the agent will act as the agent of the buyer or seller in the transaction. If the first substantial contact with a prospective buyer or seller occurs by telephone or other electronic means of communication where it is not practical to provide the "Working with Real Estate Agents" publication, the broker shall at the earliest opportunity thereafter, but in no event later than three days from the date of first substantial contact, mail or otherwise transmit a copy of the publication to the prospective buyer or seller and review it with him or her at the earliest practicable opportunity thereafter. For the purposes of this Rule, "first substantial contact" shall include contacts between a broker and a consumer where the consumer or broker begins to act as though an agency relationship exists and the consumer begins to disclose to the broker personal or confidential information. The "Working with Real Estate Agents" publication may be obtained on the Commission's website at www.ncrec.gov or upon request to the Commission.

(d) A real estate broker representing one party in a transaction shall not undertake to represent another party in the transaction without the written authority of each party. The written authority shall be obtained upon the formation of the relationship except when a buyer or tenant is represented by a broker without a written agreement in conformity with the requirements of Paragraph (a) of this Rule. Under such circumstances, the written authority for dual agency shall be reduced to writing not later than the time that one of the parties represented by the broker makes an offer to purchase, sell, rent, lease, or exchange real estate to another party.

(e) In every real estate sales transaction, a broker working directly with a prospective buyer as a seller's agent or subagent shall disclose in writing to the prospective buyer at the first substantial contact with the prospective buyer that the broker represents the interests of the seller. The written disclosure shall include the broker's license number. If the first substantial contact occurs by telephone or by means of other electronic communication where it is not practical to provide written disclosure, the broker shall immediately disclose by similar means whom he or she represents and shall immediately mail or otherwise transmit a copy of the written disclosure to the buyer. In no event shall the broker mail

or transmit a copy of the written disclosure to the buyer later than three days from the date of first substantial contact with the buyer.

(f) In every real estate sales transaction, a broker representing a buyer shall, at the initial contact with the seller or seller's agent, disclose to the seller or seller's agent that the broker represents the buyer's interests. In addition, in every real estate sales transaction other than auctions, the broker shall, no later than the time of delivery of an offer to the seller or seller's agent, provide the seller or seller's agent with a written confirmation disclosing that he or she represents the interests of the buyer. The written confirmation may be made in the buyer's offer to purchase and shall include the broker's license number.

(g) The provisions of Paragraphs (c), (d) and (e) of this Rule do not apply to real estate brokers representing sellers in auction sales transactions.

(h) A broker representing a buyer in an auction sale transaction shall, no later than the time of execution of a written agreement memorializing the buyer's contract to purchase, provide the seller or seller's agent with a written confirmation disclosing that he or she represents the interests of the buyer. The written confirmation may be made in the written agreement.

(i) A firm that represents more than one party in the same real estate transaction is a dual agent and, through the brokers associated with the firm, shall disclose its dual agency to the parties.

(j) When a firm represents both the buyer and seller in the same real estate transaction, the firm may, with the prior express approval of its buyer and seller clients, designate one or more individual brokers associated with the firm to represent only the interests of the seller and one or more other individual brokers associated with the firm to represent only the interests of the buyer in the transaction. The authority for designated agency shall be reduced to writing not later than the time that the parties are required to reduce their dual agency agreement to writing in accordance with Paragraph (d) of this Rule. An individual broker shall not be so designated and shall not undertake to represent only the interests of one party if the broker has actually received confidential information concerning the other party in connection with the transaction. A broker-in-charge shall not act as a designated broker for a party in a real estate sales transaction when a provisional broker under his or her supervision will act as a designated broker for another party with a competing interest.

(k) When a firm acting as a dual agent designates an individual broker to represent the seller, the broker so designated shall represent only the interest of the seller and shall not, without the seller's permission, disclose to the buyer or a broker designated to represent the buyer:

- (1) that the seller may agree to a price, terms, or any conditions of sale other than those established by the seller;
- (2) the seller's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about the seller that the seller has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(l) When a firm acting as a dual agent designates an individual broker to represent the buyer, the broker so designated shall

represent only the interest of the buyer and shall not, without the buyer's permission, disclose to the seller or a broker designated to represent the seller:

- (1) that the buyer may agree to a price, terms, or any conditions of sale other than those established by the seller;
 - (2) the buyer's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
 - (3) any information about the buyer that the buyer has identified as confidential unless disclosure of the information is otherwise required by statute or rule.
- (m) A broker designated to represent a buyer or seller in accordance with Paragraph (j) of this Rule shall disclose the identity of all of the brokers so designated to both the buyer and the seller. The disclosure shall take place no later than the presentation of the first offer to purchase or sell.
- (n) When an individual broker represents both the buyer and seller in the same real estate sales transaction pursuant to a written agreement authorizing dual agency, the parties may provide in the written agreement that the broker shall not disclose the following information about one party to the other without permission from the party about whom the information pertains:
- (1) that a party may agree to a price, terms, or any conditions of sale other than those offered;
 - (2) the motivation of a party for engaging in the transaction, unless disclosure is otherwise required by statute or rule; and
 - (3) any information about a party that the party has identified as confidential, unless disclosure is otherwise required by statute or rule.
- (o) A broker who is selling property in which the broker has an ownership interest shall not undertake to represent a buyer of that property except that a broker who is selling commercial real estate as defined in Rule .1802 of this Subchapter in which the broker has less than 25 percent ownership interest may represent a buyer of that property if the buyer consents to the representation after full written disclosure of the broker's ownership interest. A firm listing a property owned by a broker affiliated with the firm may represent a buyer of that property so long as any individual broker representing the buyer on behalf of the firm does not have an ownership interest in the property and the buyer consents to the representation after full written disclosure of the broker's ownership interest.
- (p) A broker or firm with an existing listing agreement for a property shall not enter into a contract to purchase that property unless, prior to entering into the contract, the listing broker or firm first discloses in writing to their seller-client that the listing broker or firm may have a conflict of interest in the transaction and that the seller-client may want to seek independent counsel of an attorney or another licensed broker. Prior to the listing broker entering into a contract to purchase the listed property, the listing broker and firm shall either terminate the listing agreement or transfer the listing to another broker affiliated with the firm. Prior to the listing firm entering into a contract to purchase the listed property, the listing broker and firm shall disclose to the seller-client in writing that the seller-client has the right to terminate the

listing and the listing broker and firm shall terminate the listing upon the request of the seller-client.

Authority G.S. 41A-3(1b); 41A-4(a); 93A-3(c); 93A-6(a).

21 NCAC 58A .0105 ADVERTISING

(a) Authority to Advertise.

(1) A broker shall not advertise any brokerage service or the sale, purchase, exchange, rent, or lease of real estate for another or others without the consent of his or her broker-in-charge and without including in the advertisement the name of the firm or sole proprietorship with which the broker is affiliated.

(2) A broker shall not ~~advertise or~~ display a "for sale" or "for rent" sign on any real estate or otherwise advertise any real estate without the written consent of the owner or the owner's authorized agent.

(b) Blind Ads. A broker shall not advertise the sale, purchase, exchange, rent, or lease of real estate for others in a manner indicating the offer to sell, purchase, exchange, rent, or lease is being made by the broker's principal only. Every such advertisement shall indicate that it is the advertisement of a broker or firm and shall not be confined to publication of only contact information, such as a post office box number, telephone number, street address, internet web address, or e-mail address.

(c) A person licensed as a limited nonresident commercial broker shall comply with the provisions of Rule .1809 of this Subchapter in connection with all advertising concerning or relating to his or her status as a North Carolina broker.

(d) A broker shall not advertise any brokerage service or the sale, purchase, exchange, rent, or lease of real estate, conduct brokerage services, promote their status as a real estate broker, or engage in other real estate related activities in any manner which is predicated by bias or ideology as to race, color, religion, national origin, sex, familial status, or disability.

Authority G.S. 93A-2(a1); 93A-3(c); 93A-9.

21 NCAC 58A .0110 BROKER-IN-CHARGE

(a) Every real estate firm shall designate one BIC for its principal office and ~~one~~ a different BIC for each of its branch offices. No office of a firm shall have more than one designated BIC. A BIC shall not serve as the BIC for more than one office. A BIC shall not serve as BIC for more than one ~~office~~ firm unless each of those ~~offices~~ firms share the same physical office space and delivery address.

(b) Every sole proprietorship shall designate a BIC if the sole proprietorship:

- (1) engages in any transaction where a broker is required to deposit and maintain monies belonging to others in a trust account;
- (2) engages in advertising or promoting services as a broker in any manner; or
- (3) has one or more other brokers affiliated with the sole proprietorship in the real estate business.

(c) A licensed real estate firm shall not be required to have a BIC if it:

- (1) is organized for the sole purpose of receiving compensation for brokerage services furnished by its qualifying broker through another firm or broker;
- (2) is treated for tax purposes as a pass-through business by the United States Internal Revenue Service;
- (3) has no principal or branch office; and
- (4) has no licensed person associated with it other than its qualifying broker.

(d) A broker who maintains a trust or escrow account for the sole purpose of holding residential tenant security deposits received by the broker on properties owned by the broker in compliance with G.S. 42-50 shall not be required to be a BIC.

(e) In order for a broker to designate as a BIC for a sole proprietor, real estate firm, or branch office, a broker shall apply for BIC Eligible status by submitting an application on a form available on the Commission's website. The BIC Eligible status form shall include the broker's:

- (1) name;
- (2) license number;
- (3) telephone number;
- (4) email address;
- (5) criminal history and history of occupational license disciplinary actions;
- (6) certification of compliance with G.S. 93A-4.2, including that:

- (A) his or her broker license is on active status;
- (B) the broker has obtained at least two years of real estate brokerage experience equivalent to 40 hours per week within the previous five years or shall be a North Carolina licensed attorney with a practice that consisted primarily of handling real estate closings and related matters in North Carolina for three years immediately preceding application; and

(C) the broker completed the 12-hour Broker-in-Charge Course no earlier than one year prior to application and no later than 120 days after application; and

(7) signature.

(f) A broker who holds BIC Eligible status shall submit a form to become the designated BIC for a sole proprietor, real estate firm, or branch office. The BIC designation form shall include:

- (1) the broker's:
 - (A) name;
 - (B) license number;
 - (C) telephone number;
 - (D) email address; and
 - (E) criminal history and history of occupational license disciplinary actions; and
- (2) the firm's:
 - (A) name; and
 - (B) license number, if applicable;

(g) A designated BIC shall:

- (1) assure that each broker ~~employed~~ employed affiliated at the office has complied with Rules .0503, .0504, and .0506 of this Subchapter;
- (2) notify the Commission of any change of firm's business address or trade name and the registration of any assumed business name adopted by the firm for its use;
- (3) be responsible for the conduct of advertising by or in the name of the firm at such office;
- (4) maintain the trust or escrow account of the firm and the records pertaining thereto;
- (5) retain and maintain records relating to transactions conducted by or on behalf of the firm, including those required to be retained pursuant to Rule .0108 of this Section;
- (6) supervise provisional brokers associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter;
- (7) supervise all brokers ~~employed~~ employed affiliated at the office with respect to adherence to agency agreement and disclosure requirements;
- (8) notify the Commission in writing that he or she is no longer serving as BIC of a particular office within 10 days following any such change; ~~and~~
- (9) complete the Commission's Basic Trust Account Procedures Course within 120 days of ~~opening~~ assuming responsibility for a trust account in accordance with G.S. ~~93A-6(g)~~ 93A-6(g), however the BIC shall not be required to complete the course more than once in three years; and

(10) supervise all unlicensed individuals employed at the office and ensure that unlicensed individuals comply with G.S. 93A-2(c)(6).

(h) A broker holding BIC Eligible status shall take the Broker-in-Charge Update Course during the license year of designation, unless the broker has satisfied the requirements of Rule .1702 of this Subchapter prior to designation.

(i) A broker's BIC Eligible status shall terminate if the broker:

- (1) made any false statements or presented any false, incomplete, or incorrect information in connection with an application;
- (2) fails to complete the 12-hour Broker-in-Charge Course pursuant to Paragraph (e) of this Rule;
- (3) fails to renew his or her broker license pursuant to Rule .0503 of this Subchapter, or the broker's license has been suspended, revoked, or surrendered; or
- (4) fails to complete the Broker-in-Charge Update Course and a four credit hour elective course pursuant to Rules .1702 and .1711 of this Subchapter, if applicable.

(j) In order to regain BIC Eligible status after a broker's BIC Eligible status terminates, the broker shall complete the 12-hour Broker-in-Charge Course prior to application and then submit a BIC Eligible status form pursuant to Paragraph (e) of this Rule.

(k) A nonresident commercial real estate broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

(l) A broker shall not be granted BIC Eligible status or designated as BIC of a firm if there is a pending Commission investigation against the broker.

Authority G.S. 93A-2; 93A-3(c); 93A-4; 93A-4.1; 93A-4.2; 93A-9.

21 NCAC 58A .0114 RESIDENTIAL PROPERTY AND OWNERS' ASSOCIATION DISCLOSURE STATEMENT

(a) Every owner of real property subject to a transfer of the type governed by Chapter 47E of the General Statutes shall complete the following Residential Property and Owners' Association Disclosure Statement and furnish a copy of the complete statement to a buyer in accordance with the requirements of G.S. 47E-4. The form shall bear the seal of the North Carolina Real Estate Commission and shall read as follows:

[N.C. REAL ESTATE COMMISSION SEAL]

STATE OF NORTH CAROLINA

RESIDENTIAL PROPERTY AND OWNERS' Association DISCLOSURE STATEMENT

Instructions to Property Owners

1. The Residential Property Disclosure Act (G.S. 47E)("Disclosure Act") requires owners of residential real estate (single-family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units) to furnish buyers a Residential Property and Owners' Association Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose. A disclosure statement must be furnished in connection with the sale, exchange, option, and sale under a lease with option to purchase where the tenant does not occupy or intend to occupy the dwelling. A disclosure statement is not required for some transactions, including the first sale of a dwelling which has never been inhabited and transactions of residential property made pursuant to a lease with option to purchase where the lessee occupies or intends to occupy the dwelling. For a complete list of exemptions, see G.S. 47E-2.

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2. You must respond to each of the questions on the following pages of this form by filling in the requested information or by placing a check (✓) in the appropriate box. In responding to questions, you are only obligated to disclose information about which you have actual knowledge.
 - a. If you check "Yes" for any question, you must explain your answer and either describe any problem or attach a report from an attorney, engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.
 - b. If you check "No," you are stating that you have no actual knowledge of any problem. If you check "No" and you know there is a problem, you may be liable for making an intentional misstatement.
 - c. If you check "No Representation," you are choosing not to disclose the conditions or characteristics of the property, even if you have actual knowledge of them or should have known of them.
 - d. If you check "Yes" or "No" and something happens to the property to make your Disclosure Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the buyer a corrected Disclosure Statement or correct the problem.
3. If you are assisted in the sale of your property by a licensed real estate broker, you are still responsible for completing and delivering the Disclosure Statement to the buyers; and the broker must disclose any material facts about your property which he or she knows or reasonably should know, regardless of your responses on the Statement.
4. You must give the completed Disclosure Statement to the buyer no later than the time the buyer makes an offer to purchase your property. If you do not, the buyer can, under certain conditions, cancel any resulting contract (See "**Note to Buyers**" below). You should give the buyer a copy of the Disclosure Statement containing your signature and keep a copy signed by the buyer for your records.

Note to Buyers

If the owner does not give you a Residential Property and Owners' Association Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract without penalty to you as the buyer. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of the Disclosure Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

5. In the space below, type or print in ink the address of the property (sufficient to identify it) and your name. Then sign and date.

Property Address: _____
Owner's Name(s): _____
Owner(s) acknowledge(s) having examined this Disclosure Statement before signing and that all information is true and correct as of the date signed.

Owner Signature: _____ Date _____, ____
Owner Signature: _____ Date _____, ____
Buyers acknowledge receipt of a copy of this Disclosure Statement; that they have examined it before signing; that they understand that this is not a warranty by owners or owners' agents; that it is not a substitute for any inspections they may wish to obtain; and that the representations are made by the owners and not the owners' agents or subagents. Buyers are strongly encouraged to obtain their own inspections from a licensed home inspector or other professional. As used herein, words in the plural include the singular, as appropriate.

Buyer Signature: _____ Date _____, ____
Buyer Signature: _____ Date _____, ____

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Property Address/Description: _____

The following questions address the characteristics and condition of the property identified above about which the owner has actual knowledge. Where the question refers to "dwelling," it is intended to refer to the dwelling unit, or units if more than one, to be conveyed with the property. The term "dwelling unit" refers to any structure intended for human habitation.

- | | Yes | No | No Representation |
|---|--------------------------|--------------------------|--------------------------|
| 1. In what year was the dwelling constructed? _____
Explain if necessary: _____ | | | <input type="checkbox"/> |
| 2. Is there any problem, malfunction or defect with the dwelling's foundation, slab, fireplaces/chimneys, floors, windows (including storm windows and screens), doors, ceilings, interior and exterior walls, attached garage, patio, deck or other structural components including any modifications to them? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The dwelling's exterior walls are made of what type of material? <input type="checkbox"/> Brick Veneer <input type="checkbox"/> Wood <input type="checkbox"/> Stone <input type="checkbox"/> Vinyl <input type="checkbox"/> Synthetic Stucco <input type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Concrete <input type="checkbox"/> Fiber Cement <input type="checkbox"/> Aluminum <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____
(Check all that apply) | | | <input type="checkbox"/> |
| 4. In what year was the dwelling's roof covering installed? _____
(Approximate if no records are available.) Explain if necessary:
_____ | | | <input type="checkbox"/> |
| 5. Is there any leakage or other problem with the dwelling's roof? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there any water seepage, leakage, dampness or standing water in the dwelling's basement, crawl space, or slab? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Is there any problem, malfunction or defect with the dwelling's electrical system (outlets, wiring, panel, switches, fixtures, generator, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Is there any problem, malfunction or defect with the dwelling's plumbing system (pipes, fixtures, water heater, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Is there any problem, malfunction or defect with the dwelling's heating and/or air conditioning? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. What is the dwelling's heat source? <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Baseboard
<input type="checkbox"/> Other _____ (Check all that apply)
Age of system: _____ | | | <input type="checkbox"/> |
| 11. What is the dwelling's cooling source? <input type="checkbox"/> Central Forced Air <input type="checkbox"/> Wall/Window Unit(s)
<input type="checkbox"/> Other _____ (Check all that apply)
Age of system: _____ | | | <input type="checkbox"/> |
| 12. What is the dwelling's fuel sources? <input type="checkbox"/> Electricity <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil
<input type="checkbox"/> Other _____ (Check all that apply) | | | <input type="checkbox"/> |

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If the fuel source is stored in a tank, identify whether the tank is above ground or below ground, and whether the tank is leased by seller or owned by seller.
(Check all that apply)

13. What is the dwelling's water supply source? City/County Community System
 Private Well Shared Well Other _____
(Check all that apply)

14. What is the dwelling's water heater fuel type? Natural Gas Propane Fuel Oil
 Electricity Other _____ (Check all that apply)
Age of system: _____

14-15. The dwelling's water pipes are made of what type of material? Copper Galvanized
 Plastic Polybutylene Other _____
(Check all that apply)

16. Does the property have available internet service?

15-17. Is there any problem, malfunction or defect with the dwelling's water supply (including water quality, quantity or water pressure)?

16-18. What is the dwelling's sewage disposal system? Septic Tank Septic Tank with Pump
 Community System Connected to City/County System City/County System available
 Straight pipe (wastewater does not go into a septic or other sewer system [note: use of this type of system violates State law])
 Other _____
(Check all that apply)

17-19. If the dwelling is serviced by a septic system, do you know how many bedrooms are allowed by the septic system permit? If your answer is "Yes," how many bedrooms are allowed? _____ No records available.

18-20. Is there any problem, malfunction or defect with the dwelling's sewer and/or septic system?

19-21. Is there any problem, malfunction or defect with the dwelling's central vacuum, pool, hot tub, spa, attic fan, exhaust fan, ceiling fans, sump pump, irrigation system, TV cable wiring or satellite dish, garage door openers, gas logs, or other systems?

20-22. Is there any problem, malfunction or defect with any appliances that may be included in the conveyance (range/oven, attached microwave, hood/fan, dishwasher, disposal, etc.)?

21-23. Is there any problem with present infestation of the dwelling, or damage from past infestation of wood destroying insects or organisms which has not been repaired?

22-24. Is there any problem, malfunction or defect with the drainage, grading or soil stability of the property?

23-25. Are there any structural additions or other structural or mechanical changes to the dwelling(s) to be conveyed with the property?

24-26. Is the property to be conveyed in violation of any local zoning ordinances, restrictive covenants, or other land-use restrictions, or building codes (including the failure to obtain proper permits for room additions or other changes/improvements)?

25-27. Are there any hazardous or toxic substances, materials, or products (such as asbestos, formaldehyde, radon gas, methane gas, lead-based paint) which exceed government safety

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standards, any debris (whether buried or covered) or underground storage tanks, or any environmentally hazardous conditions (such as contaminated soil or water, or other environmental contamination) ~~which affect the property?~~ located on or which otherwise affect the property?

26-28. Is there any noise, odor, smoke, etc. from commercial, industrial or military sources which affects the property?

27-29. Is the property subject to any utility or other easements, shared driveways, party walls or encroachments from or on adjacent property?

28-30. Is the property subject to any lawsuits, foreclosures, bankruptcy, leases or rental agreements, judgments, tax liens, proposed assessments, mechanics' liens, materialmens' liens, or notices from any governmental agency that could affect title to the property?

29-31. Is the property subject to a flood hazard or is the property located in a federally-designated flood hazard area?

30-32. Does the property abut or adjoin any private road(s) or street(s)?

31-33. If there is a private road or street adjoining the property, is there in existence any owners' association or maintenance agreements dealing with the maintenance of the road or street?

If you answered "yes" to any of the questions listed above ~~(1-31)~~ (1-33) please explain (attach additional sheets if necessary):

In lieu of providing a written explanation, you may attach a written report to this Disclosure Statement by a public agency, or by an attorney, engineer, land surveyor, geologist, pest control operator, contractor, home inspector, or other expert, dealing with matters within the scope of that public agency's functions or the expert's license or expertise.

The following questions pertain to the property identified above, including the lot to be conveyed and any dwelling unit(s), sheds, detached garages, or other buildings located thereon.

	Yes	No	No Representation
<u>32-34.</u> Is the property subject to governing documents which impose various mandatory covenants, conditions, and restrictions upon the lot or unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered "yes" to the question above, please explain (attach additional sheets if necessary):

33-35. Is the property subject to regulation by one or more owners' association(s) including, but not limited to, obligations to pay regular assessments or dues and special assessments?
If your answer is "yes," please provide the information requested below as to each owners' association to which the property is subject [insert N/A into any blank that does not apply]:
(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address and telephone number of the president of the owners' association or the association manager are _____

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(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address and telephone number of the president of the owners' association or the association manager are _____

*** If you answered "Yes" to question 33 above, you must complete the remainder of this Disclosure Statement. If you answered "No" or "No Representation" to question 33 above, you do not need to answer the remaining questions on this Disclosure Statement. Skip to the bottom of the last page and initial and date the page.**

		No Repr-	
	Yes	No	sentation
34-36. Are any fees charged by the association or by the association's management company in connection with the conveyance or transfer of the lot or property to a new owner? If your answer is "yes," please state the amount of the fees: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35-37. As of the date this Disclosure Statement is signed, are there any dues, fees or special assessment which have been duly approved as required by the applicable declaration or by-laws, and that are payable to an association to which the lot is subject? If your answer is "yes," please state the nature and amount of the dues, fees or special assessments to which the property is subject: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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36-38. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against or pending lawsuits involving the property or lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit and the amount of each unsatisfied judgment: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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37-39. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against or pending lawsuits involving the planned community or the association to which the property and lot are subject, with the exception of any action filed by the association for the collection of delinquent assessments on lots other than the property and lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit and the amount of each unsatisfied judgment: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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38-40. Which of the following services and amenities are paid for by the owners' association(s) identified above out of the association's regular assessments ("dues")? (Check all that apply.)

		No Repr-	
	Yes	No	sentation
Management Fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Building Maintenance of Property to be Conveyed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Master Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Yard/Landscaping Maintenance of Lot to be Conveyed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Areas Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trash Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Amenity Maintenance (specify amenities covered) _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pest Treatment/Extermination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Lights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm Water Management/Drainage/Ponds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Road Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gate and/or Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Buyer Initials and Date _____ Owner Initials and Date _____
 Buyer Initials and Date _____ Owner Initials and Date _____

(b) The form described in Paragraph (a) of this Rule may be reproduced, but the text of the form shall not be altered or amended in any way.

(c) The form described in Paragraph (a) of this Rule as amended effective ~~July 1, 2018~~, July 1, 2021, applies to all properties placed on the market on or after ~~July 1, 2018~~, July 1, 2021. The form described in Paragraph (a) of this Rule as amended effective ~~July 1, 2014~~, July 1, 2018, applies to all properties placed on the market prior to ~~July 1, 2018~~, July 1, 2021. If a corrected disclosure statement required by G.S. 47E-7 is prepared on or after ~~July 1, 2018~~, July 1, 2021, for a property placed on the market prior to ~~July 1, 2018~~, July 1, 2021, the form described in Paragraph (a) of this Rule as amended effective ~~July 1, 2018~~, July 1, 2021, shall be used.

Authority G.S. 47E-4(b); 47E-4(b1); 93A-3(c); 93A-6.

21 NCAC 58A .0120 PROHIBITED ACTS

(a) A broker shall not require or demand of any escrow agent or attorney that a broker's commission be split with or paid to another person or entity.

(b) A broker shall not be paid a commission or referral fee directly by anyone other than their current BIC or the person who served as their BIC at the time of the transaction.

(c) A broker shall not coerce, extort, collude, instruct, induce, bribe, or intimidate a service provider in a real estate transaction in order to influence or attempt to influence their findings, report or decision. Such service providers include, but are not limited to, appraisers, attorneys, inspectors, financial lenders, and contractors.

(d) A broker shall not conduct brokerage or other real estate related activities, or otherwise promote their status as a real estate broker in any manner which is predicated by bias or ideology as to race, color, religion, national origin, sex, familial status, or disability.

Authority G.S. 93A-3(c); 93A-6.

SECTION .0500 - LICENSING

21 NCAC 58A .0503 LICENSE RENEWAL

(a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on June 30 following issuance. Any broker desiring renewal of his or her license shall renew on the Commission's website within 45 days prior to license expiration and shall submit a renewal fee of forty-five dollars (\$45.00).

(b) During the renewal process, every individual broker shall provide an email address to be used by the Commission. The email address may be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-4(b2). ~~A broker who does not have an email address is not required to obtain an email address to comply with this Rule.~~

(c) During the renewal process, every designated broker-in-charge shall disclose:

- (1) each federally insured depository institution lawfully doing business in this State where the trust account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable; and
- (2) any criminal conviction or occupational license disciplinary action that occurred within the previous year.

Authority G.S. 93A-3(c); 93A-4; 93A-4.1; 93A-6.

SECTION .1600 - DISCRIMINATORY PRACTICES PROHIBITED

21 NCAC 58A .1601 FAIR HOUSING AND RACIAL EQUITY

(a) Conduct by a licensee which violates the provisions of the State Fair Housing Act constitutes improper conduct or dealing in violation of G.S. 93A-6(a)(10).

(b) Conduct by a licensee in connection with a real estate transaction, real estate related services, or promotion of their status as a real estate broker that promotes the distribution of resources or opportunities in any manner is either determined or predicated by race, racial bias or racial ideology, color, religion, national origin, sex, familial status, or disability constitutes improper conduct or dealing in violation of G.S. 93A-6(a)(10).

Authority G.S. 41A-4; 41A-5; 41A-6; 93A-3(c).

SECTION .2200 - BROKER PRICE OPINIONS AND COMPARATIVE MARKET ANALYSES

21 NCAC 58A .2202 STANDARDS

(a) A broker performing a broker price opinion or comparative market analysis for a fee shall comply with all the requirements in G.S. 93A-83 and in this Rule.

(b) A broker shall only accept an assignment to provide a broker price opinion or comparative market analysis for a property if the broker has knowledge of the real estate market, direct access to real estate market sales or leasing data, and brokerage or appraisal experience in the subject property's geographic location.

(c) A broker shall not provide a broker price opinion or comparative market analysis for a property unless the broker can exercise objective, independent judgment free of any influence from any interested party in the performance of his or her analysis of the facts relevant to determination of a probable selling or leasing price.

(d) A broker shall not provide a broker price opinion or comparative market analysis that is either determined or predicated by race, racial bias or racial ideology, color, religion, national origin, sex, familial status, or disability.

~~(e)~~(e) A broker shall not provide a broker price opinion or comparative market analysis for a property unless the broker has personally inspected the exterior and interior of that property, provided, however, that an inspection of the exterior or interior is not required if this is waived in writing by the party for whom the opinion or analysis is being performed.

~~(f)~~(f) When developing a broker price opinion or comparative market analysis for a property or interest therein, a broker shall utilize methodology such as analysis of sales or income of sold or leased properties comparable to the subject property or capitalization as is appropriate for the assignment and type of subject property.

~~(g)~~(g) When analyzing sales or income of properties comparable to the property that is the subject of a broker price opinion or comparative market analysis assignment, a broker shall comply with the following standards:

- (1) The broker shall select from reliable information sources a minimum of three sold or leased comparable properties for use in his or her analysis that are similar to the subject property with regard to characteristics such as property type, use, location, age, size, design, physical features, amenities, utility, property condition and conditions of sale. The comparable properties selected shall reflect the prevailing factors or market conditions influencing the sale or lease prices of similar properties in the subject property's local market; and
- (2) The broker shall make adjustments to the selling or leasing price of selected comparable properties for differences between the characteristics of the comparable properties and the subject property as necessary to produce a credible estimate of the probable selling or

leasing price. Adjustments shall be considered for differences in property characteristics such as location, age, size, design, physical features, amenities, utility, condition, economic or functional obsolescence and conditions of sale. The amounts of adjustments shall reflect the values that the local real estate market places on the differences in the characteristics in question.

~~(g)~~(h) A broker price opinion or comparative market analysis provided to the party for whom the opinion or analysis is being performed shall address, in addition to matters required to be addressed by G.S. 93A-83 and other provisions of this Rule, the following items:

- (1) a description of the comparable properties used in the analysis (including any unsold properties listed for sale or rent that were used as comparable properties);
- (2) the adjustments made to the selling or leasing prices of comparable properties;
- (3) local real estate market conditions;
- (4) if the date on which the sale or lease of a comparable property became final is more than six months prior to the effective date of the broker price opinion or comparative market analysis, an explanation of why the comparable property was used in the analysis and a description of the market conditions affecting the comparable property at the time the sale or lease became final; and
- (5) each method used in deriving the estimate of probable selling or leasing price.

~~(h)~~(i) In connection with a broker price opinion or comparative market analysis, an estimated probable leasing price may be reported by a broker as a lease rate and an estimated probable selling or leasing price may be reported by a broker either as a single figure or as a price range. When the estimated probable selling or leasing price is stated as a price range and the higher figure exceeds the lower figure by more than 10 percent, the broker shall include an explanation of why the higher figure exceeds the lower figure by more than 10 percent.

Authority G.S. 93A-83(d).

SUBCHAPTER 58H - REAL ESTATE EDUCATION

SECTION .0200 - REAL ESTATE EDUCATION PROVIDERS

21 NCAC 58H .0210 DENIAL, WITHDRAWAL, OR TERMINATION OF EDUCATION PROVIDER CERTIFICATION

(a) The Commission may deny or withdraw certification of an education provider or suspend, revoke, or deny renewal of the certification of an education provider upon finding that an education provider:

- (1) official was found by a court or government agency of competent jurisdiction to have violated any state or federal law;

- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application;
- (3) failed to provide or provided false, incomplete, or incorrect information in connection with any report the education provider is required to submit to the Commission;
- (4) presented to its students or prospective students false or misleading information relating to its instructional program, to the instructional programs of other institutions, or related to employment opportunities;
- (5) collected money from students but refused or failed to provide the promised instruction;
- (6) failed to submit the per student fee as required by G.S. 93A-4(a2) or 93A-38.5(d);
- (7) refused at any time to permit authorized representatives of the Commission to inspect the education provider's facilities or audit its courses;
- (8) or education director violated the rules of this Subchapter or was disciplined by the Commission under G.S. 93A-6;
- (9) obtained or used, or attempted to obtain or use, in any manner or form, North Carolina real estate license examination questions;
- (10) failed to provide to the Commission a written plan describing the changes the education provider made or intends to make in its instructional program including instructors, course materials, methods of student evaluation, and completion standards to improve the performance of the education provider's students on the license examination within 30 days of the Commission's request during an investigation or application process;
- (11) provided the Commission a fee that was dishonored by a bank or returned for insufficient funds;
- (12) Certificate of Authority was revoked, subject to a revenue suspension, or subject to administrative dissolution by the NC Secretary of State;
- (13) failed to utilize course materials pursuant to Rule .0205 of this Section;
- (14) failed to submit reports pursuant to Rule .0207 of this Section;
- (15) provided false, incomplete, or misleading information relating to real estate licensing, education matters, or the broker's education needs or license status; ~~or~~
- (16) discriminated in its admissions policy or practice against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion; or
- ~~(17)~~ refused or failed to comply with the provisions of this Subchapter.

(b) A broker shall be subject to discipline pursuant to G.S. 93A-6 if the broker engages in dishonest, fraudulent, or improper

conduct in connection with the operations of an education provider if that broker:

- (1) has an ownership interest in the education provider;
- (2) is the education director; or
- (3) is an instructor for an education provider.

(c) The Commission shall withdraw an education provider's certification when its annual License Examination Performance Record fails to exceed 40 percent in each of the previous two license years. Following withdrawal, the education provider shall be ineligible to apply for certification for a period of one year.

(d) When ownership of a certified education provider is transferred and the education provider ceases to operate as the certified entity, the certification is not transferable and shall terminate on the effective date of the transfer. All courses shall be completed by the effective date of the transfer. The transferring owner shall report course completion(s) to the Commission. The new entity shall obtain an original certification for each location where the education provider will conduct courses as required by G.S. 93A-34 and Rule .0202 of this Section prior to advertising courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any education provider operations.

Authority G.S. 93A-4(d); 93A-34(c); 93A-35(c); 93A-38.

SECTION .0300 – APPROVED INSTRUCTORS

21 NCAC 58H .0303 DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL

(a) The Commission may deny or withdraw approval of any instructor applicant or approved instructor upon finding that the instructor or instructor applicant:

- (1) has failed to meet the criteria for approval described in Rule .0302 of this Section or the criteria for renewal of approval described in Rule .0306 of this Section at the time of application or at any time during an approval period;
- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for approval or renewal of approval or any report that is required to be submitted to the Commission;
- (3) has failed to submit to the Commission any report, course examination, or video recording required by these Rules;
- (4) has failed to demonstrate the ability to teach a Prelicensing, Postlicensing, or Update course in a manner consistent with the course materials;
- (5) taught a Prelicensing course and failed to provide to the Commission a written plan describing the changes the instructor has made or intends to make in his or her instructional program to improve the performance of the instructor's students on the license examination within 30 days of the Commission's request during an investigation or application process;

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- (6) has been convicted of, pleaded guilty to, or pleaded no contest to, a misdemeanor or felony violation of state or federal law by a court of competent jurisdiction;
- (7) has been found by a court or government agency of competent jurisdiction to have violated any state or federal regulation prohibiting discrimination;
- (8) has obtained, used, or attempted to obtain or use, in any manner or form, North Carolina real estate license examination questions;
- (9) has failed to take steps to protect the security of end-of-course examinations;
- (10) failed to take any corrective action set out in the plan described in Subparagraph (a)(5) of this Rule or as otherwise requested by the Commission;

- (11) engaged in any other improper, fraudulent, or dishonest conduct;
- (12) failed to utilize course materials pursuant to Rule .0205 of this Subchapter;
- (13) has taught or conducted a course in any manner that discriminated against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion; or
- ~~(13)~~(14) failed to comply with any other provisions of this Subchapter.

(b) The Commission shall withdraw an instructor's approval when their annual License Examination Performance Record fails to exceed 40 percent in each of the previous two license years. Following withdrawal, the instructor shall be ineligible to apply for approval for a period of one year.

Authority G.S. 93A-4; 93A-33; 93A-34.

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

Rule-making Agency: Board of Massage and Bodywork Therapy

Rule Citation: 21 NCAC 30 .0704

Effective Date: November 25, 2020

Findings Reviewed and Approved by the Codifier: November 17, 2020

Reason for Action: A serious and unforeseen threat to the public health, safety or welfare has arisen with the coronavirus outbreak in North Carolina. The Governor declared a state of emergency on March 10, 2020. Continuing education providers were required to cease from providing in-classroom continuing education courses. To allow massage and bodywork therapists to

continue taking continuing education courses to renew their license, the Board is waiving the in-classroom requirement and allow all hours to be completed by distance learning.

SECTION .0700 - CONTINUING EDUCATION

21 NCAC 30 .0704 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the governor declares a state of emergency, the Board may allow all continuing education hours required by G.S. 90-630.5 and Rule .0701(b) of this Chapter to be obtained by distance learning. In making this determination, the Board shall consider the risk of harm to licensed massage and bodywork therapists attending in-classroom continuing education courses.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

History Note: Authority G.S. 90-626(9); 150B-19(6); S.L. 2020-97; Emergency Adoption Eff. June 30, 2020; Emergency Adoption Expired Eff. September 13, 2020; Emergency Adoption Eff. November 25, 2020 to expire pursuant to S.L. 2020-97, s. 3.20.

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.
 This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: Commission for Public Health

Rule Citation: 10A NCAC 41A .0107 and .0212

Effective Date: December 1, 2020

Date Approved by the Rules Review Commission: November 19, 2020

Reason for Action: COVID-19, a novel coronavirus, was identified as the cause of an emerging infectious disease outbreak in December 2019 in Wuhan, Hubei Province, China. This novel coronavirus causes respiratory illness ranging in severity from mild illness to death. As of November 3, 2020, over 46,800,000 confirmed cases and 1,200,000 deaths had been reported from 219 countries, including the United States. The first U.S. case was reported in a traveler returning from Wuhan on January 21, 2020 in Washington State. As of November 3, over 9,200,000 cases and 230,000 deaths had been reported in the U.S., and over 280,000 cases and 4,000 deaths had been reported in North Carolina. The North Carolina Division of Public Health is working closely with the Centers for Disease Control and Prevention (CDC) to monitor and respond to this pandemic in North Carolina.

10A NCAC 41A .0107 – Due to the widespread community transmission of this serious, infectious disease, testing is occurring in non-traditional environments, such as community-based testing sites. For this reason, reporting requirements need to be extended to other types of healthcare providers potentially involved in testing, such as nurses, pharmacists, and dentists. It is also imperative that public health officials receive not only positive tests results, but also negative test results, to better understand the prevalence of the disease in North Carolina. To address this, the legislature enacted S.L. 2020-4 Sec. 4.10(a)(1) and the State Health Director issued a Temporary Order, pursuant to her authority under G.S. 130A-14.1, requiring healthcare providers and laboratories to report all COVID-19 diagnostic test results, both positive and negative, effective July 7, 2020. This temporary rule is needed to continue these reporting requirements while a permanent rule is pursued. Adoption of this temporary rule is required due to the serious and unforeseen threat to public health posed by this infectious disease.

10A NCAC 41A .0212 – On June 18, 2020, the NC Commission for Public Health received a petition for rulemaking from the North Carolina Board of Funeral Service, requesting that the Commission consider amending rule 10A NCAC 41A .0212 to set

out the proper precautions to prevent infection during the handling and transportation of the bodies of persons infected with COVID-19 and require notification of those precautions. Pursuant to G.S. 150B-20, the Commission fully considered and granted the petition at its meeting on August 5, 2020. However, the Commission did not approve the proposed rule language submitted with the petition and directed agency staff to revise the proposed rule language for consideration at a special meeting on September 15, 2020. Notice of this decision was provided in writing to the North Carolina Board of Funeral Service on August 5, 2020. On September 15, 2020, the Commission adopted an amendment to the rule under emergency procedures and approved proceeding with rulemaking under temporary procedures.

It is imperative that this rule be quickly amended to address the need identified by the North Carolina Board of Funeral Service for communicable disease control measures to mitigate the risk of disease transmission during the handling and transportation of the bodies of persons infected with COVID-19. Adoption of this temporary rule is required due to the serious and unforeseen threat to public health posed by this infectious disease.

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - COMMUNICABLE DISEASE CONTROL

10A NCAC 41A .0107 REPORTING OF COVID-19 DIAGNOSTIC TEST RESULTS

(a) For purposes of this Rule, the following definitions shall apply:

- (1) "COVID-19 diagnostic test" means any nucleic acid or antigen test that identifies SARS-CoV-2, the virus that causes COVID-19.
- (2) "Electronic laboratory reporting" means the automated messaging of laboratory reports sent to the Division of Public Health using a machine-readable electronic communication protocol.
- (3) "Healthcare provider" means a healthcare provider as defined in G.S. 130A-476(g).
- (4) "Laboratory" means a facility that performs testing on specimens obtained from humans for the purpose of providing information for health assessment and for the diagnosis, prevention, or treatment of disease and is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Amendments of 1988 (CLIA)

and implementing regulations. This definition includes a healthcare provider who performs testing in an on-site facility that meets these requirements.

(b) Each person in charge of a laboratory providing diagnostic service in this State shall report the results of all COVID-19 diagnostic tests to the Division of Public Health using electronic laboratory reporting. For purposes of COVID-19, a novel coronavirus under Rule .0101(c)(1) of this Section, the required method of reporting set out in Rules .0101(c) and .0102(d)(3) of this Section shall not apply. The report shall include all of the elements required to be reported under the United States Department of Health and Human Services, laboratory data reporting guidance, which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <https://www.hhs.gov/sites/default/files/covid-19-laboratory-data-reporting-guidance.pdf>.

(c) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory:

(1) submits a COVID-19 Laboratory Data Automation Registration form to the Division of Public Health and acts to onboard to electronic laboratory reporting. This form shall be submitted within seven calendar days of the date the laboratory starts performing COVID-19 diagnostic testing and shall contain the following elements:

- (A) the name, address, phone number, and CLIA number of the laboratory;
- (B) the name, address, and phone number of the person in charge of the laboratory or that person's designee;
- (C) the type of test performed, testing capacity, and whether the laboratory will use a third-party laboratory to perform part or all of the testing; and
- (D) if the laboratory will use a third-party laboratory to perform part or all of the testing, the information in Subparagraphs (c)(1)(A)-(B) for the third-party laboratory; and

(2) until onboarding to electronic laboratory reporting is complete:

- (A) reports the results of positive COVID-19 diagnostic tests to the Division of Public Health, including all elements required in Paragraph (b) of this Rule, by telefax; and
- (B) reports the aggregate number of positive and negative nucleic acid COVID-19 diagnostic tests and the aggregate number of positive and negative antigen COVID-19 diagnostic tests per day to the Division of Public Health through an online survey available at: <https://files.nc.gov/covid/documents/e-CATR-Reference-Guide.pdf>.

(d) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory that completes fewer than 50 total COVID-19 diagnostic tests per week submits results as set out in Subparagraph (c)(2) of this Rule.

(e) Healthcare providers who order COVID-19 diagnostic testing in this State shall:

- (1) report the results of positive COVID-19 diagnostic tests by telefax to the local health director in the county or district where the patient resides. The report shall contain:
 - (A) patient first and last name, date of birth, address, county of residence, phone number, sex, race, and ethnicity;
 - (B) provider name, address, phone number, and NPI;
 - (C) the specimen collection date, the test order date, and the test result date;
 - (D) the test result; and
 - (E) all other available elements required in Paragraph (b) of this Rule; and

(2) report the aggregate number of positive and negative nucleic acid COVID-19 diagnostic tests and the aggregate number of positive and negative antigen COVID-19 diagnostic tests per day to the Division of Public Health through an online survey.

(f) The requirements set forth in Paragraph (e) of this Rule shall be considered met if a healthcare provider:

- (1) verifies that the laboratory that receives the specimen for testing will report the test result in accordance with Paragraph (b) of this Rule; and
- (2) includes patient first and last name, date of birth, address, county of residence, phone number, sex, race, ethnicity, and specimen collection date on the lab order.

(g) The requirement for healthcare providers to report COVID-19 diagnostic test results, as set out in Paragraph (e) of this Rule, is separate from the requirement for physicians to report suspected infections of COVID-19, a novel coronavirus, including positive COVID-19 diagnostic test results, in accordance with G.S. 130A-135 and Rules .0101(a) and .0102(a) of this Section.

(h) Laboratories and healthcare providers who are required to report under this Rule shall report positive COVID-19 diagnostic test results immediately upon receiving the result and negative COVID-19 diagnostic test results within 24 hours of receiving the result. Results reported to a local health department under this Rule shall be forwarded to the Division of Public Health within 24 hours of receipt by the local health department.

History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141; 130A-141.1; S.L. 2020-4, s. 4.10(a)(1); P.L. 100-578; 42 C.F.R. 493; Emergency Adoption Eff. September 25, 2020; Temporary Adoption Eff. December 1, 2020.

SECTION .0200 - CONTROL MEASURES FOR COMMUNICABLE DISEASES

10A NCAC 41A .0212 HANDLING AND TRANSPORTATION OF BODIES

(a) Persons handling the body of any person who has died shall comply with the standard precautions for all patient care published by the United States Centers for Disease Control and Prevention, which are hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.cdc.gov/infectioncontrol/basics/standard-precautions.html>.

~~(a)~~(b) It shall be the duty of the ~~physician~~ physician, physician assistant, or nurse practitioner attending to any person who dies and is known to be infected with HIV, plague, or hepatitis B, B, or COVID-19 or any person who dies and is known or reasonably suspected to be infected with smallpox, rabies, severe acute respiratory syndrome (SARS), or Jakob-Creutzfeldt to provide ~~written~~ written, verbal, or electronic notification to all individuals handling the body of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraphs (d), (e), and (f) of this Rule. This ~~written~~ written, verbal, or electronic notification shall be provided to the funeral service director, funeral service worker, or body transporter personnel at the time the body is removed from any hospital, nursing home, or other health care facility. When the patient dies in a location other than a health care facility, the ~~attending physician~~ physician, physician assistant, or nurse practitioner shall notify the funeral service director, funeral service worker, or body transporter personnel verbally of the precautions required as soon as the ~~physician~~ physician, physician assistant, or nurse practitioner becomes aware of the death. These precautions are noted in Paragraphs ~~(b)~~(d), (e), and ~~(e)~~ (f) of this Rule. The duty to notify shall be considered met if performed by one of the following individuals:

- (1) the physician, physician assistant, or nurse practitioner attending to the person who died;
- or
- (2) a designated representative of the physician, physician assistant, or nurse practitioner.

(c) It shall also be the duty of a medical examiner with jurisdiction pursuant to G.S. 130A-383 over the body of any person who dies and is known to be infected with COVID-19 to provide written, verbal, or electronic notification to the funeral service director, funeral service worker, or body transporter at the time the body is removed from medical examiner custody of the proper precautions to prevent ~~infection~~ infection, as set forth in

Paragraph (f) of this Rule. These precautions are noted in Paragraph (f) of this Rule. The duty to notify shall be considered met if performed by a designated representative of the medical examiner.

~~(b)~~(d) The body of any person who died and is known or reasonably suspected to be infected with smallpox or severe acute respiratory syndrome (SARS) or any person who died and is known to be infected with plague shall not be embalmed. The body shall be enclosed in a ~~strong, tightly~~ sealed outer case ~~which~~ that will prevent leakage or escape of odors as soon as possible after death and before the body is removed from the hospital room, home, building, or other premises where the death occurred. This case shall not be reopened except with the consent of the local health director. Nothing in this Paragraph shall prohibit cremation.

~~(e)~~(e) Persons handling the body of any person who died and is known to be infected with HIV or hepatitis B or any person who died and is known or reasonably suspected to be infected with Jakob-Creutzfeldt or rabies shall be provided ~~written~~ written, verbal, or electronic notification to observe blood and body fluid precautions.

(f) Persons handling the body of any person who died and is known to be infected with COVID-19 shall be provided written, verbal, or electronic notification to observe the COVID-19 guidance for funeral home workers published by the United States Centers for Disease Control and Prevention, which is hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at: <https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html>.

History Note: Authority G.S. 130A-144; 130A-146; Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988; Eff. March 1, 1988; Recodified from 15A NCAC 19A .0204 Eff. June 11, 1991; Temporary Amendment Eff. November 1, 2003; Amended Eff. April 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Emergency Amendment Eff. September 25, 2020; Temporary Amendment Eff. December 1, 2020.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission November 19, 2020 and December 17, 2020 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 984-236-1850. 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

Jeanette Doran (Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jeff Hyde
Randy Overton

Appointed by House

Anna Baird Choi (1st Vice Chair)
Andrew P. Atkins (2nd Vice Chair)
Paul Powell
Garth Dunklin

COMMISSION COUNSEL

Amber Cronk May	984-236-1936
Amanda Reeder	984-236-1939
Ashley Snyder	984-236-1941

RULES REVIEW COMMISSION MEETING DATES

December 17, 2020	January 21, 2021
February 18, 2021	March 18, 2021

**RULES REVIEW COMMISSION MEETING
MINUTES**

November 19, 2020

The Rules Review Commission met on Thursday, November 19, 2020 in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting to ensure compliance with Executive Orders limiting mass gatherings, and to encourage social distancing. The meeting was conducted in accordance with the provisions of G.S. 166A-19.24.

Commissioners present via teleconference were Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell.

Staff members present were Commission Counsel Amanda Reeder and Alex Burgos. Commission Counsel Amber May, Ashley Snyder, and Karlene Turrentine were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair 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 appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the October 15, 2020 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters Tabs B, C, and D – State Board of Education.

FOLLOW UP MATTERS

Coastal Resources Commission

15A NCAC 07H .0301, .0302, .0303, .0304, .0305, .0306, .0308, .0309, .0310, .0311, .0312 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

State Board of Education

16 NCAC 06B .0112 - The Commission reviewed the rewritten rule submitted in response to the September 17, 2020 objections. The Commission continued its objection only on the grounds of failure to comply with the APA and ambiguity. Upon the call of the Chair, the Commission objected to the rule in accordance with G.S. 150B-21.9 and 150B-21.12(c) by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

16 NCAC 06B .0113 – At the September meeting, the Commission objected to 16 NCAC 06B .0113. The agency responded in accordance with the provisions of G.S. 150B-21.12 and requested the rule be returned to the agency. No further action was taken by the Commission.

16 NCAC 06B .0114 – Upon the call of the Chair, the Commission voted to object to the rewritten rule in accordance with G.S. 150B-21.9 for lack of statutory authority and clarity by roll-call vote, ayes 4, noes 4 as follows: Voting in the affirmative: Bobby Bryan, Jeanette Doran, Garth Dunklin, and Jeff Hyde – 4. Voting in the negative: Anna Baird Choi, Margaret Currin, Randy Overton, and Paul Powell - 4. The motion failed.

Upon the call of the Chair, the Commission voted to approve the rule subject to the technical change of adding G.S. 115C-248(a) to the history note by roll-call vote, ayes 4, noes 4 as follows: Voting in the affirmative: Anna Baird Choi, Margaret Currin, Randy Overton, and Paul Powell – 4. Voting in the negative: Bobby Bryan, Jeanette Doran, Garth Dunklin, and Jeff Hyde – 4. The motion failed.

Pursuant to G.S. 150B-21.12(d), the rule remains under review by the Commission.

Tom Ziko, General Counsel with the agency, addressed the Commission.

State Board of Education

16 NCAC 06D .0310 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

16 NCAC 06E .0107 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rules from the State Board of Education 16 NCAC 06G, Commissioner Hyde recused himself and did not participate in any discussion or vote concerning these Rules because he is a member of two North Carolina Charter School Boards and the rules pertain to charters.

16 NCAC 06G .0315, .0505, .0506, .0507, .0509, .0514, .0518, .0520, .0521, and .0522 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Randy Overton, and Paul Powell – 6 Voting in the negative: None.

16 NCAC 06G .0508 - The Commission reviewed the rewritten rule submitted in response to the September 17, 2020 objections. The rewritten version of this Rule was approved, but the Commission determined the changes were substantial in accordance with G.S. 150B-21.12, requiring the rule to be re-published and reviewed in accordance with the procedure in G.S. 150B-21.1(a3) and (b). Upon the call of the Chair, the rule was approved and found to contain substantial change by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Randy Overton, and Paul Powell – 6 Voting in the negative: None.

16 NCAC 06G .0314 and .0519 - The Commission reviewed the rewritten rules submitted in response to the September 17, 2020 objections. At this meeting, the Commission continued its objection solely on the grounds of statutory authority in accordance with G.S. 150B-21.9 and 150B-21.12(c). The Commission determined the rewritten version of 16 NCAC 06G .0519 satisfied the Commission's objection entered September 17, 2020. However, the Commission objected to 16 NCAC

06G .0519 for lack of statutory authority for adding a cross-reference to the accountability models underlying the continuing objection for lack of statutory authority in 16 NCAC 06G .0314. Upon the call of the Chair, the Commission objected to both rules in accordance with G.S. 150B-21.9 and 150B-21.12(c) by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Randy Overton, and Paul Powell – 6 Voting in the negative: None.

16 NCAC 06D .0211; 06G .0316, .0503, and .0517 - In response to September objections, the agency responded in accordance with the provisions of G.S. 150B-21.12 and requested the Rules be returned to the agency. No further action was taken by the Commission.

The Commission received over 10 letters of objection to 16 NCAC 06D .0310; 06G .0315, .0505, .0506, .0507, .0508, .0509, .0514, .0518, .0520, .0521, and .0522. Pursuant to G.S. 150B-21.3, these Rules are subject to legislative review and a delayed effective date.

The Commission took no action on 16 NCAC 06D .0307, .0308, .0309, .0311; 06E .0204, and .0206.

Tom Ziko, General Counsel with the agency, addressed the Commission.

State Board of Education

16 NCAC 06H .0115, .0116, .0117; 06K .0104, and .0105 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 6, noes 1, as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Randy Overton, and Paul Powell – 6. Voting in the negative: Jeff Hyde.

The Commission unanimously waived Rule 26 NCAC 05 .0103 and allowed written comments opposing Rule 16 NCAC 06H .0117 that were submitted after the deadline. Upon the call of the Chair, the waiver was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

The Commission received over 10 letters of objection to 16 NCAC 06H .0117. Pursuant to G.S. 150B-21.3, the rule is subject to legislative review and a delayed effective date.

16 NCAC 06H .0113; 06K .0101 and .0103 - In response to the Commission's September objection, the agency responded in accordance with the provisions of G.S. 150B-21.12 and requested the rules be returned to the agency. No further action was taken by the Commission.

Tom Ziko, General Counsel with the agency, addressed the Commission.

Department of Transportation

19A NCAC 02E .0201, .0202, .0203, .0204, .0206, .0207, .0208, .0209, .0210, .0212, .0213, .0214, .0215, .0224, .0225, and .0226 - The agency is addressing the technical change requests from the October meeting. No action was required by the Commission.

Addictions Specialist Professional Practice Board

21 NCAC 68 .0216, .0227, .0228, and .0708 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Industrial Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .2005 - Upon the call of the Chair, was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Department of Labor

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

13 NCAC 15 .0704 was withdrawn at the request of the agency. No action was required by the Commission.

Building Code Council

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Commission for Public Health

10A NCAC 41A .0107 and .0212 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Board of Massage and Bodywork Therapy

21 NCAC 30 .0704 was withdrawn at the request of the agency. No action was required by the Commission.

COMMISSION BUSINESS

Review of the 2021 RRC meeting dates - The Commission approved the 2021 RRC meeting dates.

Amendment of the September 2020 minutes – Upon the call of the Chair, the September minutes were amended to reflect the following changes:

State Board of Education

16 NCAC 06C .0343, .0345, .0347, .0348, ~~.0355~~, .0356, .0368, .0377, and .0701 were withdrawn at the request of the agency.

The changes were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

The meeting adjourned at 10:37 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 17, 2020 at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

RULES REVIEW COMMISSION

**Rules Review Commission Meeting November 19, 2020
Held Via WebEx**

First Name	Last Name	Agency
Deanna	Townsend-Smith	Board of Education
Carmella	Fair	Board of Education
Kevin	Harrison	Board of Education
Thomas	Ziko	Board of Education
Virginia	Niehaus	DHHS
Ryan	Boyce	Board of Education
Lou	Martin	Board of Education
Tammy	Howard	Board of Education
Carl	Martin	Fire Marshall
Carla	Rose	Labor
LaTricia	Townsend	Board of Education
Ashley	Baquero	Board of Education
Jill	Cramer	Labor
Gina	Cammarano	Industrial Commission
John	Barkley	Commission for PH
Lisa	Phillips	
Jean-Marie	Maillard	
Eskabonna	Henderson	Kinetic Minds, LLC
Laura	R	
Melinda	Hemphill	Ortiz & Schick
Danice	Henderson	Kinetic Minds, LLC
Jonathan	Puryear	Revenue
Anna	Szamosi	

**LIST OF APPROVED TEMPORARY RULES
November 19, 2020 Meeting**

PUBLIC HEALTH, COMMISSION FOR

Reporting of COVID-19 Diagnostic Test Results

10A NCAC 41A .0107

Handling and Transportation of Bodies

10A NCAC 41A .0212

**LIST OF APPROVED PERMANENT RULES
November 19, 2020 Meeting**

INDUSTRIAL COMMISSION

Employer's Requirement to File First Report of Injury

11 NCAC 23A .0104

Electronic Filings with the Commission; How to File

11 NCAC 23A .0108

Contact Information

11 NCAC 23A .0109

Required Contact Information from Carriers

11 NCAC 23A .0302

RULES REVIEW COMMISSION

<u>Application for or Stipulation to Additional Medical Comp...</u>	11 NCAC	23A	.0408
<u>Claims for Death Benefits</u>	11 NCAC	23A	.0409
<u>Agreements for Prompt Payment of Compensation</u>	11 NCAC	23A	.0501
<u>Employee's Obligation to Report Earnings</u>	11 NCAC	23A	.0903
<u>Electronic Filings with the Commission, How to File</u>	11 NCAC	23B	.0104
<u>Contact Information</u>	11 NCAC	23B	.0105
<u>Notice by the Commission</u>	11 NCAC	23B	.0106
<u>Secure Leave Periods for Attorneys</u>	11 NCAC	23E	.0104
<u>Form 21 - Agreement for Compensation for Disability</u>	11 NCAC	23L	.0101
<u>Form 26 - Supplemental Agreement as to Payment of Compens...</u>	11 NCAC	23L	.0102
<u>Form 26A - Employer's Admission of Employee's Right to Pe...</u>	11 NCAC	23L	.0103
<u>Form 26A - Employer's Admission of Employee's Right to Pe...</u>	11 NCAC	23L	.0103
<u>Form T-42 - Application for Appointment of Guardian Ad Litem</u>	11 NCAC	23L	.0105

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Minimum Training Requirements</u>	12 NCAC	10B	.2005
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LABOR, DEPARTMENT OF

<u>Tramway Requirements</u>	13 NCAC	15	.0205
<u>Responsibility for Compliance</u>	13 NCAC	15	.0402
<u>Elevator, Escalator, Dumbwaiter, and Special Equipment An...</u>	13 NCAC	15	.0702
<u>Amusement Device Inspection Fee Schedule</u>	13 NCAC	15	.0703
<u>Passenger Tramway Inspection Fee Schedule</u>	13 NCAC	15	.0705

COASTAL RESOURCES COMMISSION

<u>Ocean Hazard Categories</u>	15A NCAC	07H	.0301
<u>Significance of the Ocean Hazard Category</u>	15A NCAC	07H	.0302
<u>Management Objective of Ocean Hazard Areas</u>	15A NCAC	07H	.0303
<u>AECs Within Ocean Hazard Areas</u>	15A NCAC	07H	.0304
<u>General Identification and Description of Landforms</u>	15A NCAC	07H	.0305
<u>General Use Standards for Ocean Hazard Areas</u>	15A NCAC	07H	.0306
<u>Specific Use Standards for Ocean Hazard Areas</u>	15A NCAC	07H	.0308
<u>Use Standards for Ocean Hazard Areas: Exceptions</u>	15A NCAC	07H	.0309
<u>Use Standards for Inlet Hazard Areas</u>	15A NCAC	07H	.0310
<u>Installation and Maintenance of Sand Fencing</u>	15A NCAC	07H	.0311
<u>Technical Standards for Beach Fill Projects</u>	15A NCAC	07H	.0312

EDUCATION, STATE BOARD OF

<u>Purchase of School Bus Equipment</u>	16 NCAC	06B	.0112
<u>Appropriate Use of State Tests</u>	16 NCAC	06D	.0310
<u>School Violence Acts Defined and the Annual Report of The...</u>	16 NCAC	06E	.0107
<u>Accountability Annual Performance Standards</u>	16 NCAC	06G	.0315
<u>Charter Schools Financial Noncompliance - Impact of Finan...</u>	16 NCAC	06G	.0505
<u>Charter Schools Governance Noncompliance</u>	16 NCAC	06G	.0506
<u>Charter School Renewal Process</u>	16 NCAC	06G	.0507
<u>Planning Year for New Preliminary Charter Schools</u>	16 NCAC	06G	.0509
<u>Fast Track Replication of High Quality Charter Schools - ...</u>	16 NCAC	06G	.0514
<u>Alternative Charter School Designation Policy - Eligibility</u>	16 NCAC	06G	.0518

RULES REVIEW COMMISSION

<u>Alternative Charter School Designation Policy - Applicati...</u>	16 NCAC	06G	.0520
<u>Alternative Charter School Designation Policy - Review an...</u>	16 NCAC	06G	.0521
<u>Alternative Charter School Designation Policy - Terminati...</u>	16 NCAC	06G	.0522
<u>Dispute Resolution Process for Homeless Students - LEA Di...</u>	16 NCAC	06H	.0115
<u>Dispute Resolution Process for Homeless Students - State ...</u>	16 NCAC	06H	.0116
<u>Operations of Federal Programs</u>	16 NCAC	06H	.0117
<u>Placement Procedures</u>	16 NCAC	06K	.0104
<u>Weapons Prohibited on School Property</u>	16 NCAC	06K	.0105

ADDICTIONS SPECIALIST PROFESSIONAL PRACTICE BOARD

<u>Background Investigation</u>	21 NCAC	68	.0216
<u>Credentials by Endorsement or Reciprocity Based on Milita...</u>	21 NCAC	68	.0227
<u>Substance Use Disorder Credential by Endorsement or Recip...</u>	21 NCAC	68	.0228
<u>Types of Intervention</u>	21 NCAC	68	.0708

BUILDING CODE COUNCIL

<u>2018 NC Building Code/Soffit in Group R</u>	705.12
<u>2018 NC Residential Code/Definitions Family</u>	R202
<u>2018 NC Residential Code/Soffit Protection</u>	R302.1.1
<u>2018 NC Residential Code/Tables</u>	R602
<u>2018 NC Fire Code/Definitions Valet Trash Collection Service</u>	202
<u>2018 Fire Code/Valet Trash Collection Services For R-2 Ap...</u>	304
<u>2018 Fire Code/Commercial Kitchen Hoods</u>	609.2

AGENDA
RULES REVIEW COMMISSION
THURSDAY, DECEMBER 17, 2020 9:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. State Board of Education - 16 NCAC 06B .0114 (Snyder)
 - B. State Board of Education - 16 NCAC 06D .0212, .0307, .0308, .0309, .0311; 06E 0204, .0206; 06G .0314, .0508, .0519 (Snyder)
 - C. Department of Transportation - 19A NCAC 02E .0201, .0202, .0203, .0204, .0206, .0207, .0208, .0209, .0210, .0212, .0213, .0214, .0215, .0224, .0225, and .0226 (May)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between October 21, 2020 through November 20, 2020
 - Board of Agriculture 48A (Reeder)
 - Soil and Water Conservation Commission (Snyder)
 - Board of Agriculture 61 (May)
 - Department of Information Technology (May)
 - Medical Care Commission 13C (Snyder)
 - Medical Care Commission 13D, 13K (Reeder)
 - DHHS - Division of Health Service Regulation (Reeder)
 - Commission for Public Health (May)
 - Criminal Justice Education and Training Standards Commission (May)
 - Environmental Management Commission 02I, 02J (May)
 - Environmental Management Commission 02N, 02O (Snyder)
 - Environmental Management Commission 13B (Reeder)

RULES REVIEW COMMISSION

- Department of Revenue (Reeder)
- Board of Funeral Service (May)
- Board of Examiners for Nursing Home Administrators (May)
- Real Estate Commission (May)

- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
- VII. Commission Business
- Next meeting: Thursday, January 21, 2021
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**Commission Review
Log of Permanent Rule Filings
October 21, 2020 through November 20, 2020**

AGRICULTURE, BOARD OF

The rules in Chapter 48 are Board of Agriculture rules governing the plant industry, including plant protection, fertilizer, seeds, liming materials and landplaster, and genetically engineered organisms.

The rules in Subchapter 48A are plant protection rules directed at specific plant problems or methods of protection including regulations incorporated by reference (.0100); the honey and bee industry (.0200); exterior pests (.0300); white pine blister rust (.0400); witchweed (.0500); protection against the boll weevil (.0600); imported fire ant (.0700); potato virus y (.0800); sweet potato weevil (.0900); vegetable plant certification (.1000); tobacco plant certification (.1100); nursery certification (.1200); movement for scientific purposes (.1300); forms (.1400); gypsy moth (.1500); phytophagous snails (.1600); and control of noxious weeds (.1700).

<u>Currant and Gooseberry Plants</u> Readopt without Changes*	02	NCAC	48A	.0401
<u>Infected Pines</u> Readopt without Changes*	02	NCAC	48A	.0402
<u>Cotton Stalk Destruction</u> Readopt without Changes*	02	NCAC	48A	.0612

SOIL AND WATER CONSERVATION COMMISSION

The rules in Subchapter 59D concern the agriculture cost share program for nonpoint source pollution control.

<u>Criteria and Procedures for Granting Job Approval Authority</u> Adopt*	02	NCAC	59D	.0201
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AGRICULTURE, BOARD OF

The rules in Chapter 61 concern sanitation of bedding.

<u>Definitions</u> Readopt without Changes*	02	NCAC	61	.0101
<u>Authorized Sanitizing Processes</u> Readopt without Changes*	02	NCAC	61	.0102
<u>Other Methods of Sanitizing</u> Readopt without Changes*	02	NCAC	61	.0103
<u>Disposal of Unclean Bedding</u> Readopt without Changes*	02	NCAC	61	.0104
<u>Storage of Secondhand or Previously-Used Materials</u> Readopt without Changes*	02	NCAC	61	.0105

<u>Non-Transferrable Registration</u> Readopt without Changes*	02	NCAC	61	.0106
<u>Transfer of Manufacturers' and Sanitizer's Licenses</u> Readopt without Changes*	02	NCAC	61	.0107
<u>License Feeds and Applications</u> Readopt without Changes*	02	NCAC	61	.0108
<u>Cancellation of Licenses</u> Readopt without Changes*	02	NCAC	61	.0109
<u>Durable Materials for Tags</u> Readopt without Changes*	02	NCAC	61	.0110
<u>Effective Date of Licenses</u> Readopt without Changes*	02	NCAC	61	.0111
<u>Severability</u> Readopt without Changes*	02	NCAC	61	.0112

INFORMATION TECHNOLOGY, DEPARTMENT OF

The rules in Subchapter 6A concern information technology procurement including forms, terms and conditions and definitions (.0100).

<u>Petitions for Rule-making</u> Adopt*	09	NCAC	06A	.0104
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The rules in Subchapter 6D concern the government data analytics center including the North Carolina education longitudinal data system (.0100). SYSTEM

<u>Definitions</u> Adopt*	09	NCAC	06D	.0101
<u>Data Request Process</u> Adopt*	09	NCAC	06D	.0102
<u>Contributor Data Sharing Agreements</u> Adopt*	09	NCAC	06D	.0103
<u>Requestor Data Sharing Agreements and Requirements</u> Adopt*	09	NCAC	06D	.0104

MEDICAL CARE COMMISSION

The rules in Subchapter 13C concern licensing of ambulatory surgical facilities including general provisions (.0100); licensing procedures (.0200); governing authority and management (.0300); medical and surgical services (.0400); anesthesia services (.0500); pathology services (.0600); radiology services (.0700); pharmaceutical services (.0800); nursing services (.0900); medical records services (.1000); surgical facilities and equipment (.1100); functional safety (.1200); control and sanitation (.1300); and physical plant construction (.1400).

<u>Requirements for Issuance of a License</u> Readopt with Changes*	10A	NCAC	13C	.0202
<u>Suspension or Revocation: Ambulatory Surgical Facility</u> Amend*	10A	NCAC	13C	.0203
<u>Governing Authority</u> Readopt without Changes*	10A	NCAC	13C	.0301
<u>Providing Anesthesia Services</u> Readopt with Changes*	10A	NCAC	13C	.0501
<u>Regulations for Performed Services</u> Amend*	10A	NCAC	13C	.0702
<u>Nursing Personnel</u>	10A	NCAC	13C	.0902

Readopt with Changes*

The rules in Subchapter 13D are rules for the licensing of nursing homes including general information (.2000); licensure (.2100); general standards of administration (.2200); patient and resident care and services (.2300); medical records (.2400); physician's services (.2500); pharmaceutical services (.2600); dietary services (.2700); activities, recreation and social services (.2800); special requirements (.2900); specially designated units (.3000); design and construction (.3100); functional requirements (.3200); fire and safety requirements (.3300); and mechanical, electrical, and plumbing requirements (.3400).

<u>Definitions</u>	10A	NCAC	13D	.2001
Amend*				
<u>Physician Services for Ventilator Dependent Patients</u>	10A	NCAC	13D	.2506
Repeal*				
<u>Ventilator Assisted Care</u>	10A	NCAC	13D	.3003
Amend*				

The rules in Subchapter 13K concern hospice licensing rules including general information (.0100); license (.0200); administration (.0300); personnel (.0400); scope of services (.0500); patient/family care (.0600); patient/family care plan (.0700); pharmaceutical and medical treatment orders and administration (.0800); medical records (.0900); evaluation (.1000); hospice residential care (.1100); and hospice inpatient care (.1200).

<u>Definitions</u>	10A	NCAC	13K	.0102
Readopt with Changes*				
<u>Personnel</u>	10A	NCAC	13K	.0401
Readopt with Changes*				
<u>Patient's Rights and Responsibilities</u>	10A	NCAC	13K	.0604
Readopt with Changes*				
<u>Care Plan</u>	10A	NCAC	13K	.0701
Readopt without Changes*				
<u>Dietary Services</u>	10A	NCAC	13K	.1104
Readopt without Changes*				

HHS - HEALTH SERVICE REGULATION, DIVISION OF

The rules in Chapter 14 concern services provided by the Division of Health Service Regulation.

The rules in Subchapter 14C are Certificate of Need regulations including general provisions (.0100); applications and review process (.0200); exemptions (.0300); appeal process (.0400); enforcement and sanctions (.0500); and criteria and standards for nursing facility or adult care home services (.1100), intensive care services (.1200), pediatric intensive care services (.1300), neonatal services (.1400), hospices, hospice inpatient facilities, and hospice residential care facilities (.1500), cardiac catheterization equipment and cardiac angioplasty equipment (.1600), open heart surgery services and heart-lung bypass machines (.1700), diagnostic centers (.1800), radiation therapy equipment (.1900), home health services (.2000), surgical services and operating rooms (.2100), end stage renal disease services (.2200), computed tomography equipment (.2300), immediate care facility/mentally retarded (ICF/MR) (.2400), substance abuse/chemical dependency treatment beds (.2500), psychiatric beds (.2600), magnetic resonance imaging scanner (.2700), rehabilitation services (.2800), bone marrow transplantation services (.2900), solid organ transplantation services (.3000), major medical equipment (.3100), lithotripter equipment (.3200), air ambulance (.3300), burn intensive care services (.3400), oncology treatment centers (.3500), gamma knife (.3600), positron emission tomography scanner (.3700), acute care beds (.3800), gastrointestinal endoscopy procedure rooms in licensed health service facilities (.3900), and hospice inpatient facilities and hospice residential care facilities (.4000).

<u>Definitions</u>	10A	NCAC	14C	.0202
Readopt with Changes*				
<u>Filing Applications</u>	10A	NCAC	14C	.0203
Readopt with Changes*				
<u>Extension of Review Board</u>	10A	NCAC	14C	.0205
Readopt with Changes*				

<u>Replacement Equipment</u> Readopt with Changes*	10A	NCAC	14C	.0303
<u>Definitions</u> Readopt with Changes*	10A	NCAC	14C	.2101
<u>Performance Standards</u> Readopt with Changes*	10A	NCAC	14C	.2103
<u>Definitions</u> Readopt with Changes*	10A	NCAC	14C	.2201
<u>Performance Standards</u> Readopt with Changes*	10A	NCAC	14C	.2203
<u>Definitions</u> Readopt with Changes*	10A	NCAC	14C	.3901
<u>Performance Standards</u> Readopt with Changes*	10A	NCAC	14C	.3903

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41C concern occupational health including general provisions (.0100); dusty trades program (.0200); industrial hygiene consultation program (.0300); occupational health nursing consultation program (.0400); asbestos hazard management program (.0600); occupational health surveillance (.0700); lead-based paint hazard management program (.0800); and lead-based paint hazard management program for renovation, repair and painting (.0900).

<u>Training and Technical Assistance</u> Readopt/Repeal*	10A	NCAC	41C	.0304
<u>General</u> Readopt with Changes*	10A	NCAC	41C	.0601
<u>Accreditation</u> Readopt with Changes*	10A	NCAC	41C	.0602
<u>Training Course Instructor Qualifications</u> Readopt with Changes*	10A	NCAC	41C	.0608

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9A cover the Commission organization and procedure (.0100) and enforcement of the rules (.0200).

<u>Investigation of Violation of Rules</u> Amend*	12	NCAC	09A	.0201
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The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Responsibilities of the School Director</u> Amend*	12	NCAC	09B	.0202
<u>Specialized Firearms Instruction Training</u> Amend*	12	NCAC	09B	.0226
<u>Specialized Driver Instructor Training</u>	12	NCAC	09B	.0227

Amend*				
<u>Specialized Subject Control Arrest Techniques Instructor ...</u>	12	NCAC	09B	.0232
Amend*				
<u>Specialized Physical Fitness Instructor Training</u>	12	NCAC	09B	.0233
Amend*				
<u>Certification of Diversion Investigator and Supervisors</u>	12	NCAC	09B	.0314
Amend*				
<u>Satisfaction of Training - SMI Operators</u>	12	NCAC	09B	.0409
Amend*				
<u>Specialized Explosives and Hazardous Materials Instructor...</u>	12	NCAC	09B	.0417
Amend*				

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2I concern hearings including scope, definitions and delegations (.0100); rule making hearings, notice and procedures (.0200); administrative hearings (.0300); special hearings (.0400); petitions for rulemaking (.0500); and declaratory rulings (.0600).

<u>Purpose of this Subchapter</u>	15A	NCAC	02I	.0101
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02I	.0102
Readopt with Changes*				
<u>Delegations</u>	15A	NCAC	02I	.0103
Readopt with Changes*				
<u>Authorized Hearing Officers</u>	15A	NCAC	02I	.0104
Repeal*				
<u>Requirements of Hearing Officer or Panel</u>	15A	NCAC	02I	.0105
Amend*				
<u>Department Hearing Rules</u>	15A	NCAC	02I	.0106
Readopt/Repeal*				
<u>Procedures</u>	15A	NCAC	02I	.0203
Readopt with Changes*				
<u>Opportunity for Hearing</u>	15A	NCAC	02I	.0301
Repeal*				
<u>Request for Hearing</u>	15A	NCAC	02I	.0302
Readopt/Repeal*				
<u>Water Quality Discharge Permits: Notice: Procedures</u>	15A	NCAC	02I	.0402
Repeal*				
<u>Form and Contents of Petition</u>	15A	NCAC	02I	.0501
Readopt with Changes*				
<u>Review by a Committee of the Commission</u>	15A	NCAC	02I	.0502
Readopt with Changes*				
<u>Presentation of the Commission</u>	15A	NCAC	02I	.0503
Readopt with Changes*				
<u>Recourse to Denial of Petition</u>	15A	NCAC	02I	.0504
Readopt/Repeal*				
<u>Issuance of Declaratory Ruling</u>	15A	NCAC	02I	.0601
Readopt with Changes*				
<u>Procedure for Submission of Petition</u>	15A	NCAC	02I	.0602
Readopt with Changes*				
<u>Disposition of Request</u>	15A	NCAC	02I	.0603
Readopt with Changes*				

The rules in Subchapter 2J concern civil penalties.

<u>Purpose and Scope</u>	15A	NCAC	02J	.0101
Repeal*				
<u>Definitions</u>	15A	NCAC	02J	.0102
Readopt/Repeal*				
<u>Who May Assess</u>	15A	NCAC	02J	.0103
Readopt/Repeal*				
<u>When Assessable</u>	15A	NCAC	02J	.0104
Readopt/Repeal*				
<u>Standards</u>	15A	NCAC	02J	.0106
Readopt/Repeal*				
<u>Proposed Assessment: Assessment: Modification</u>	15A	NCAC	02J	.0107
Readopt/Repeal*				
<u>Payment: Hearing: Remission/Mitigation</u>	15A	NCAC	02J	.0108
Readopt/Repeal*				
<u>Tenders of Payment: Remission/Mitigation: Hearing Request</u>	15A	NCAC	02J	.0109
Readopt/Repeal*				
<u>Referral</u>	15A	NCAC	02J	.0110
Readopt/Repeal*				
<u>Reports to the Commission</u>	15A	NCAC	02J	.0111
Readopt/Repeal*				

The rules in Subchapter 02N concern underground storage tanks including general considerations (.0100); program scope and interim prohibition (.0200); UST systems: design, construction, installation, and notification (.0300); general operating requirements (.0400); release detection (.0500); release reporting, investigation, and confirmation (.0600); release response and corrective action for UST systems containing petroleum or hazardous substances (.0700); out-of-service UST systems and closure (.0800); performance standards for UST system or UST system component installation or replacement completed on or after november 1, 2007 (.0900); and UST systems with field-constructed tanks and airport hydrant fuel distribution systems (.1000).

<u>Applicability</u>	15A	NCAC	02N	.0201
Readopt without Changes*				
<u>Installation Requirements for Partially Excluded UST Systems</u>	15A	NCAC	02N	.0202
Readopt without Changes*				
<u>Definitions</u>	15A	NCAC	02N	.0203
Readopt with Changes*				
<u>Performance Standards for UST System Installations or Rep...</u>	15A	NCAC	02N	.0301
Readopt with Changes*				
<u>Upgrading of Existing UST Systems After December 22, 1988...</u>	15A	NCAC	02N	.0302
Readopt without Changes*				
<u>Notification Requirements</u>	15A	NCAC	02N	.0303
Readopt with Changes*				
<u>Implementation Schedule for Performance Standards for New...</u>	15A	NCAC	02N	.0304
Readopt with Changes*				
<u>Spill and Overfill Control</u>	15A	NCAC	02N	.0401
Readopt without Changes*				
<u>Operation and Maintenance of Corrosion Protection</u>	15A	NCAC	02N	.0402
Readopt without Changes*				
<u>Compatibility</u>	15A	NCAC	02N	.0403
Readopt without Changes*				
<u>Repairs Allowed</u>	15A	NCAC	02N	.0404
Readopt without Changes*				

RULES REVIEW COMMISSION

<u>Reporting and Recordkeeping</u> Readopt without Changes*	15A	NCAC	02N	.0405
<u>Periodic Testing of Spill Prevention Equipment and Contain...</u> Amend*	15A	NCAC	02N	.0406
<u>General Requirements for All UST Systems</u> Readopt without Changes*	15A	NCAC	02N	.0501
<u>Requirements for Petroleum UST Systems</u> Readopt without Changes*	15A	NCAC	02N	.0502
<u>Requirements for Hazardous Substance UST Systems</u> Readopt without Changes*	15A	NCAC	02N	.0503
<u>Methods of Release Detection for Tanks</u> Readopt with Changes*	15A	NCAC	02N	.0504
<u>Methods of Release Detection for Piping</u> Readopt without Changes*	15A	NCAC	02N	.0505
<u>Release Detection Recordkeeping</u> Readopt without Changes*	15A	NCAC	02N	.0506
<u>Reporting of Suspected Releases</u> Readopt without Changes*	15A	NCAC	02N	.0601
<u>Investigation Due to Off-Site Impacts</u> Readopt without Changes*	15A	NCAC	02N	.0602
<u>Release Investigation and Confirmation Steps</u> Readopt without Changes*	15A	NCAC	02N	.0603
<u>Reporting and Cleanup of Spills and Overfills</u> Readopt without Changes*	15A	NCAC	02N	.0604
<u>General</u> Readopt without Changes*	15A	NCAC	02N	.0701
<u>Initial Response</u> Readopt without Changes*	15A	NCAC	02N	.0702
<u>Initial Abatement Measures and Site Check</u> Readopt without Changes*	15A	NCAC	02N	.0703
<u>Initial Site Characterization</u> Readopt without Changes*	15A	NCAC	02N	.0704
<u>Free Product Removal</u> Readopt without Changes*	15A	NCAC	02N	.0705
<u>Investigations for Soil and Groundwater Cleanup</u> Readopt without Changes*	15A	NCAC	02N	.0706
<u>Corrective Action Plan</u> Readopt without Changes*	15A	NCAC	02N	.0707
<u>Public Participation</u> Readopt without Changes*	15A	NCAC	02N	.0708
<u>Temporary Closure</u> Readopt without Changes*	15A	NCAC	02N	.0801
<u>Permanent Closure and Changes-In-Service</u> Readopt without Changes*	15A	NCAC	02N	.0802
<u>Assessing the Site at Closure or Change-In-Service</u> Readopt without Changes*	15A	NCAC	02N	.0803
<u>Applicability to Previously Closed UST Systems</u> Readopt without Changes*	15A	NCAC	02N	.0804
<u>Closure Records</u> Readopt without Changes*	15A	NCAC	02N	.0805
<u>General Requirements</u> Readopt with Changes*	15A	NCAC	02N	.0901

RULES REVIEW COMMISSION

<u>Notification</u> Readopt with Changes*	15A	NCAC	02N	.0902
<u>Tanks</u> Readopt with Changes*	15A	NCAC	02N	.0903
<u>Piping</u> Readopt with Changes*	15A	NCAC	02N	.0904
<u>Containment Sumps</u> Readopt with Changes*	15A	NCAC	02N	.0905
<u>Spill Buckets</u> Readopt with Changes*	15A	NCAC	02N	.0906
<u>National Codes of Practice and Industry Standards</u> Readopt with Changes*	15A	NCAC	02N	.0907

The rules in Subchapter 02O concern financial responsibility requirements for owners and operators of underground storage tanks including general considerations (.0100); program scope (.0200); assurance mechanisms, responsibilities of owners and operators (.0400); and changes in status (.0500).

<u>General</u> Amend*	15A	NCAC	02O	.0101
<u>Financial Responsibility</u> Amend*	15A	NCAC	02O	.0102
<u>Substituted Sections</u> Repeal*	15A	NCAC	02O	.0103
<u>Applicability</u> Readopt/Repeal*	15A	NCAC	02O	.0201
<u>Compliance Dates</u> Readopt/Repeal*	15A	NCAC	02O	.0202
<u>Definitions</u> Readopt with Changes*	15A	NCAC	02O	.0203
<u>Amount and Scope of Required Financial Responsibility</u> Readopt with Changes*	15A	NCAC	02O	.0204
<u>Allowable Mechanisms and Combinations of Mechanisms</u> Readopt/Repeal*	15A	NCAC	02O	.0301
<u>Self Insurance</u> Readopt with Changes*	15A	NCAC	02O	.0302
<u>Guarantee</u> Readopt/Repeal*	15A	NCAC	02O	.0303
<u>Insurance and Risk Retention</u> Readopt with Changes*	15A	NCAC	02O	.0304
<u>Surety Bond</u> Readopt/Repeal*	15A	NCAC	02O	.0305
<u>Letter of Credit</u> Readopt/Repeal*	15A	NCAC	02O	.0306
<u>Standby Trust Fund</u> Readopt/Repeal*	15A	NCAC	02O	.0307
<u>Insurance Pools</u> Readopt with Changes*	15A	NCAC	02O	.0308
<u>Local Government Bond Rating Test</u> Readopt/Repeal*	15A	NCAC	02O	.0311
<u>Local Government Financial Test</u> Repeal*	15A	NCAC	02O	.0312
<u>Local Government Guarantee</u> Repeal*	15A	NCAC	02O	.0313

RULES REVIEW COMMISSION

<u>Local Government Fund</u> Repeal*	15A	NCAC	02O	.0314
<u>Substitution of Financial Assurance Mechanisms</u> Repeal*	15A	NCAC	02O	.0315
<u>Cancellation or Nonrenewal by a Provider of Assurance</u> Repeal*	15A	NCAC	02O	.0316
<u>Reporting by Owner or Operator</u> Readopt/Repeal*	15A	NCAC	02O	.0401
<u>Record Keeping</u> Readopt with Changes*	15A	NCAC	02O	.0402
<u>Drawing on Financial Assurance Mechanisms</u> Readopt/Repeal*	15A	NCAC	02O	.0501
<u>Release from the Requirements</u> Readopt/Repeal*	15A	NCAC	02O	.0502
<u>Capacity of Owner or Operator or Provider of Assurance</u> Readopt with Changes*	15A	NCAC	02O	.0503
<u>Replenishment</u> Readopt with Changes*	15A	NCAC	02O	.0504

The rules in Chapter 13 concern Solid Waste Management.

The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer stations (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); requirements for beneficial use of coal combustion by-products (.1700); and financial assurance requirements for solid waste management facilities (.1800).

<u>Definitions</u> Readopt with Changes*	15A	NCAC	13B	.0101
<u>Applicability</u> Readopt with Changes*	15A	NCAC	13B	.0102
<u>General Requirements</u> Readopt with Changes*	15A	NCAC	13B	.0103
<u>Solid Waste Storage</u> Readopt with Changes*	15A	NCAC	13B	.0104
<u>Collection and Transportation of Solid Waste</u> Readopt with Changes*	15A	NCAC	13B	.0105
<u>Generator of Solid Waste</u> Readopt with Changes*	15A	NCAC	13B	.0106
<u>Permit Required</u> Readopt with Changes*	15A	NCAC	13B	.0201
<u>Permit Application</u> Readopt with Changes*	15A	NCAC	13B	.0202
<u>Permit Approval or Denial</u> Readopt with Changes*	15A	NCAC	13B	.0203
<u>Recordation of Land Disposal Permits</u> Readopt/Repeal*	15A	NCAC	13B	.0204
<u>Life-of-Site Permit Issued for a Sanitary Landfill or Tra...</u> Amend*	15A	NCAC	13B	.0207
<u>Permit Exemptions</u> Adopt*	15A	NCAC	13B	.0208

<u>Siting and Application Requirements</u> Readopt with Changes*	15A	NCAC	13B	.0301
<u>Operational and Closure Requirements</u> Readopt with Changes*	15A	NCAC	13B	.0302
<u>Purpose and Applicability</u> Readopt with Changes*	15A	NCAC	13B	.0401
<u>General Requirements</u> Readopt with Changes*	15A	NCAC	13B	.0402
<u>Siting and Design Requirements</u> Adopt*	15A	NCAC	13B	.0403
<u>Application Requirements</u> Adopt*	15A	NCAC	13B	.0404
<u>Operational Requirements</u> Adopt*	15A	NCAC	13B	.0405
<u>Closure Requirements</u> Adopt*	15A	NCAC	13B	.0406
<u>Approved Disposal Methods</u> Readopt/Repeal*	15A	NCAC	13B	.0501
<u>Open Dumps</u> Readopt/Repeal*	15A	NCAC	13B	.0502
<u>Siting and Design Requirements for Industrial Solid Waste ...</u> Readopt with Changes*	15A	NCAC	13B	.0503
<u>Application Requirements for Industrial Solid Waste Landf...</u> Readopt with Changes*	15A	NCAC	13B	.0504
<u>Operational and Closure Requirements for Industrial Solid...</u> Readopt with Changes*	15A	NCAC	13B	.0505
<u>Siting and Application Requirements for Incinerators</u> Readopt with Changes*	15A	NCAC	13B	.0508
<u>Operational and Closure Requirements for Incinerators</u> Readopt with Changes*	15A	NCAC	13B	.0509
<u>Post-Closure Care Requirements for Closed C&DLF and MSWLF...</u> Readopt with Changes*	15A	NCAC	13B	.0510
<u>Beneficial Fill</u> Readopt with Changes*	15A	NCAC	13B	.0562
<u>General Requirements for LICDLFS</u> Readopt with Changes*	15A	NCAC	13B	.0563
<u>Siting Criteria for LCIDLFS</u> Readopt with Changes*	15A	NCAC	13B	.0564
<u>Application Requirements for LCIDLFS</u> Readopt with Changes*	15A	NCAC	13B	.0565
<u>Operational Requirements for LCIDLFS</u> Readopt with Changes*	15A	NCAC	13B	.0566
<u>Closure and Post-Closure Care Requirements for LCIDLFS</u> Adopt*	15A	NCAC	13B	.0567
<u>Groundwater Monitoring</u> Readopt with Changes*	15A	NCAC	13B	.0601
<u>Surface Water Monitoring</u> Readopt with Changes*	15A	NCAC	13B	.0602
<u>Administrative Penalties</u> Readopt/Repeal*	15A	NCAC	13B	.0701
<u>Standards</u> Readopt/Repeal*	15A	NCAC	13B	.0702

<u>Procedure for Assessment: Revocation of Permit</u> Readopt/Repeal*	15A	NCAC	13B	.0703
<u>Payments: Hearing</u> Readopt/Repeal*	15A	NCAC	13B	.0704
<u>Stay of Penalty Assessment</u> Readopt/Repeal*	15A	NCAC	13B	.0705
<u>Waiver of Administrative Hearing</u> Readopt/Repeal*	15A	NCAC	13B	.0706
<u>Manner of Disposition of Fetal Remains</u> Readopt/Repeal*	15A	NCAC	13B	.1301

REVENUE, DEPARTMENT OF

The rules in Chapter 4 are from the License and Excise Tax Division.

The rules in Subchapter 04B concern license taxes including attorneys at law and other professionals (.0600); installment paper dealer (.2900); loan agencies or brokers (.3300).

<u>Government Attorneys-at-Law and Other Professionals Exemp...</u> Readopt with Changes*	17	NCAC	04B	.0612
<u>Installment Paper Dealer Quarterly Return</u> Readopt with Changes*	17	NCAC	04B	.2903

The rules in Subchapter 4C concern cigarette tax including definitions (.0100); cigarette distributors license (.0200); affixation of stamps and imprints (.0500); requirements for cigarette manufacturers (.0600); receipt of untaxed cigarettes (.0700); entities exempt from the Tobacco Products Tax Act (.0800); reports and records required of distributors (.0900); refunds of the cigarette tax (.1000); how tax applies on railroads and ocean-going vessels (.1100); rules relevant to cigarette vending machines (.1200); home requirements for other tobacco products besides cigarettes (.1300); manufacturers of other tobacco products (.1400); how to designate sales as exempt (.1700); and monthly report, invoice and record requirements (.1800).

<u>Definitions</u> Readopt with Changes*	17	NCAC	04C	.0101
<u>Application or Renewal Requirements for Applicants and Li...</u> Adopt*	17	NCAC	04C	.0104
<u>Application or Renewal Requirements for a Distributor's L...</u> Readopt with Changes*	17	NCAC	04C	.0201
<u>Interstate Cigarette Sales; Licensure</u> Readopt with Changes*	17	NCAC	04C	.0504
<u>Invoice Requirement</u> Readopt/Repeal*	17	NCAC	04C	.0602
<u>Excise Tax Liability for Cigarette Inventory</u> Readopt with Changes*	17	NCAC	04C	.0702
<u>Monthly Report for Resident Distributor</u> Readopt with Changes*	17	NCAC	04C	.0901
<u>Monthly Report for Nonresident Distributors</u> Readopt with Changes*	17	NCAC	04C	.0902
<u>Invoicing Requirements for Distributors</u> Readopt with Changes*	17	NCAC	04C	.0903
<u>Record Requirements for Distributors</u> Adopt*	17	NCAC	04C	.0904
<u>Refunds Only to Licensed Distributors</u> Readopt with Changes*	17	NCAC	04C	.1002
<u>Application or Renewal Requirements for a Wholesale Deale...</u>	17	NCAC	04C	.1301

<u>Readopt with Changes*</u>				
<u>Invoice Requirement</u>	17	NCAC	04C	.1401
<u>Readopt/Repeal*</u>				
<u>Sales to Licensed Dealers Only</u>	17	NCAC	04C	.1402
<u>Readopt/Repeal*</u>				
<u>Manufacturers Acting as Retailer</u>	17	NCAC	04C	.1403
<u>Readopt/Repeal*</u>				
<u>Monthly Report for Wholesale Dealers and Retail Dealers</u>	17	NCAC	04C	.1801
<u>Readopt with Changes*</u>				
<u>Invoicing Requirements for Wholesale Dealers and Retail D...</u>	17	NCAC	04C	.1802
<u>Readopt with Changes*</u>				
<u>Record Requirements for Wholesale Dealers and Retail Dealers</u>	17	NCAC	04C	.1803
<u>Readopt with Changes*</u>				

The rules in Subchapter 04E concern alcoholic beverages tax including monthly reports: spoilage: breakage and destruction (.0300); ocean-going beer and wine (.0500); and bond required (.0600).

<u>Out of State Shipments Reporting</u>	17	NCAC	04E	.0204
<u>Readopt with Changes*</u>				
<u>Major Disaster Reporting</u>	17	NCAC	04E	.0205
<u>Readopt with Changes*</u>				
<u>Wholesaler Buying from Wholesaler</u>	17	NCAC	04E	.0206
<u>Readopt/Repeal*</u>				
<u>Spoilage or Destruction of Nontaxpaid Beer or Wine</u>	17	NCAC	04E	.0301
<u>Readopt/Repeal*</u>				
<u>Spoilage of Taxpaid Beer or Wine</u>	17	NCAC	04E	.0302
<u>Readopt/Repeal*</u>				
<u>Destruction of Malt Beverages or Wine when in Transit</u>	17	NCAC	04E	.0303
<u>Readopt with Changes*</u>				
<u>Receipts for Malt Beverages and Wine Delivered to Ocean-G...</u>	17	NCAC	04E	.0502
<u>Readopt with Changes*</u>				
<u>Bond Required of Wholesaler and Importer</u>	17	NCAC	04E	.0601
<u>Readopt with Changes*</u>				
<u>New Wholesaler or Importer of Bond</u>	17	NCAC	04E	.0602
<u>Readopt/Repeal*</u>				

FUNERAL SERVICE, BOARD OF

The rules in Subchapter 34C concern crematories including general provisions (.0100); equipment and processing (.0200); and authorizations, reports, records (.0300).

<u>Form of Documents</u>	21	NCAC	34C	.0102
<u>Amend*</u>				
<u>Application Form for Crematory or Hydrolysis License</u>	21	NCAC	34C	.0103
<u>Amend*</u>				
<u>Crematory or Hydrolysis License Certificate</u>	21	NCAC	34C	.0104
<u>Amend*</u>				
<u>Crematory or Hydrolysis Inspection Form</u>	21	NCAC	34C	.0105
<u>Amend*</u>				
<u>Definitions</u>	21	NCAC	34C	.0106
<u>Adopt*</u>				
<u>Holding Facility; Cremation or Hydrolysis Unit; Processor</u>	21	NCAC	34C	.0201
<u>Amend*</u>				

RULES REVIEW COMMISSION

<u>Refrigeration</u>	21	NCAC	34C	.0202
Amend*				
<u>Labels</u>	21	NCAC	34C	.0205
Amend*				
<u>Cleanliness</u>	21	NCAC	34C	.0206
Amend*				
<u>Removal of Pacemakers or Other Implanted Devices; Autopsi...</u>	21	NCAC	34C	.0207
Adopt*				
<u>Records of Cremation or Hydrolysis and Delivery</u>	21	NCAC	34C	.0303
Amend*				
<u>Retention of Records</u>	21	NCAC	34C	.0306
Amend*				

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR

The rules in Subchapter 37D concern new licenses including general provisions (.0100); application for license (.0200); education, experience, and required course (.0300); administrators in training (.0400); preceptors (.0500); national exam (.0600); and state exam (.0700).

<u>Initial Licensure Fee</u>	21	NCAC	37D	.0202
Amend*				
<u>Application to Become Administrator-In-Training (AIT)</u>	21	NCAC	37D	.0402
Amend*				

The rules in Subchapter 37E concern applications for reciprocity/endorsement.

<u>Application Contents</u>	21	NCAC	37E	.0102
Amend*				

The rules in Subchapter 37F concern temporary license requirements.

<u>Issuance of Temporary License</u>	21	NCAC	37F	.0102
Amend*				

The rules in 37G concern renewal requirements (.0100); inactive licenses (.0200); reinstatement (.0300); and duplicate licenses (.0400).

<u>Renewal Fee</u>	21	NCAC	37G	.0102
Amend*				
<u>Verification of License</u>	21	NCAC	37G	.0402
Adopt*				

REAL ESTATE COMMISSION

The rules in Subchapter 58H concern real estate education including general rules (.0100); real estate schools (.0200); approved instructors (.0300); and real estate courses (.0400).

<u>Definitions</u>	21	NCAC	58H	.0101
Amend*				
<u>Policies and Procedures Disclosure</u>	21	NCAC	58H	.0204
Amend*				
<u>Course Materials</u>	21	NCAC	58H	.0205
Amend*				
<u>Course Completion Certificates and Reports</u>	21	NCAC	58H	.0207
Amend*				
<u>Expiration and Renewal of Provider Certification</u>	21	NCAC	58H	.0209

RULES REVIEW COMMISSION

Amend*

Approval of a Real Estate Education Course

21 NCAC 58H .0401

Amend*

Distance Education Courses

21 NCAC 58H .0415

Adopt*

CONTESTED CASE DECISIONS

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 984-236-1850.

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

Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer
Tenisha Jacobs
Michel Byrne

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
20	BLC	00366	9/28/2020	North Carolina Landscape Contractors Licensing Board	v.	Jason Lee Atkins and Natural Choice Contracting LLC f/k/a ALM Contracting LLC	Ward
20	CTY	00292	9/18/2020	Mohamad Kodaimati	v.	Town of Mint Hill	Malherbe
19	DOJ	05371	9/22/2020; 9/23/2020	William Donald Britt	v.	NC Sheriffs Education and Training Standards Commission	Lassiter
19	DOJ	06179	9/11/2020	Donald Ray McGlamery	v.	NC Sheriffs Education and Training Standards Commission	May
19	DOJ	06469	9/11/2020	Paul J Eagle	v.	North Carolina Sheriffs Education and Training Standards Commission	May
19	DOJ	06638	9/23/2020	Scott McCoy	v.	NC Sheriffs Education and Training Standards Commission	Sutton
19	DOJ	06927	9/14/2020	Jacqueline Deneen Coefield	v.	North Carolina Criminal Justice Education and Training Standards Commission	Ward
20	DOJ	00518	9/9/2020	Alicia Micole Smith	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
20	DOJ	00742	9/10/2020	David Scott Sutton Jr.	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
20	DOJ	02155	9/16/2020	William Thomas Whiting	v.	NC Private Protective Services Board	Bawtinheimer
20	OSP	01463	9/28/2020	Velma Sharpe-Johnson	v.	NC Department of Public Instruction Eastern North Carolina School for the Deaf	Culpepper

CONTESTED CASE DECISIONS

				<u>Unpublished</u>			
20	ABC	02585	9/14/2020	NC Alcoholic Beverage Control Commission	v.	Vinayak Stores Inc T/A Triangle Food Mart	May
20	CPS	01750	9/1/2020	Tawanda S McKinney	v.	NC Crime Victims Compensation Commission	Mann
20	CPS	01834	9/9/2020	Clotene Freeman(for Husband) Michael Freeman	v.	Department of Public Safety Victims Services	Bawtinhimer
20	CPS	02330	9/15/2020	Russell C Rowe	v.	NC Department of Public Safety Victim Services	Overby
19	CSE	05959	9/15/2020	Alvin V Brookins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Culpepper
19	CSE	06118	9/15/2020	Jason Addams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
19	CSE	06583	9/23/2020	Lamont Fagan	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
20	CSE	00323	9/2/2020	Douglas A Gibson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	01804	9/16/2020	Christopher R Santana	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	01833	9/10/2020	Jonathan F Hall	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	01911	9/8/2020	Teresa Myers	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	02071	9/14/2020	Chris Newman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Mann
20	CSE	02102	9/22/2020	Reginald J Lise	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	02348	9/15/2020	Frank J Rush	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	02369	9/15/2020	Olis Ray Bryant	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	02409	9/4/2020	Corshaun Williams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	02603	9/17/2020	Leonardo Chavez	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	02835	9/23/2020	Joe Nathan Sikes II	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer

CONTESTED CASE DECISIONS

20	CSE	02991	9/23/2020	James M Redmond	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
19	DCS	06464	9/21/2020	Crystal M Humphrey	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
19	DHR	06737	7/29/2020; 9/1/2020	Kenesha Lofton	v.	NC Department of Health Human Services	Jacobs; Lassiter
20	DHR	02051	9/25/2020	Christopher Hilliard	v.	Department of Health and Human Services	Byrne
20	DHR	02368	9/15/2020	Renee J Williams	v.	NC Dept of Health and Human Serv Div of Child Development and Early Ed	Lassiter
20	DHR	02386	9/11/2020	Tyra Whitaker	v.	NCDON (OAH)	Lassiter
20	DHR	02583	9/4/2020	Theddies Lewis Butler/Butler's Day Care Center	v.	Division of Child Development and Early Education	Lassiter
20	DHR	02628	9/10/2020	Kingshuk Roy Choudhury	v.	Orange County Board of County Commissioners	Jacobs
20	DHR	02916	9/23/2020	Micah Glenn Smith Sr	v.	DHHS	Lassiter
20	DOT	01985	9/1/2020	Trent Demond Bellamy	v.	NC Department of Transportation	Mann
20	EDC	02795	9/11/2020	Kinetic Minds Inc and Kinetic Minds Inspire LLC	v.	NC Department of Public Instruction	Byrne
20	INS	01520	9/4/2020	Mary Elizabeth Franklin Tanner	v.	North Carolina State Health Plan	Overby
20	INS	01658	9/15/2020	Lisa Bass	v.	North Carolina State Health Plan	Overby
20	MIS	01515	5/26/2020; 9/4/2020	Demetrius Marwin Holder	v.	Gaston County Sheriff's Dept Gaston County Police Department Gaston County Clerk of Superior Court	Malherbe
19	OSP	06219	9/3/2020	Lailtrice Graham Biteye	v.	Guilford County Department of Health and Human Services CWS	May
20	OSP	00418	9/18/2020	Laquannah N Hester	v.	North Carolina Department of Public Safety	Culpepper
20	SOS	00931	9/1/2020	Raleigh Police Memorial Foundation Inc	v.	NC Department of the Secretary of State, Charitable Solicitation Licensing Division	Mann
20	UNC	01561	9/1/2020	Lyndon Melvin Whitfield	v.	UNC Health Care Collections	Mann