

# ***NORTH CAROLINA REGISTER***

**VOLUME 36 • ISSUE 01 • Pages 1 – 71**

**July 1, 2021**

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**PUBLISHED BY**

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

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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osbmruleanalysis@osbm.nc.gov

984-236-0689

NC Association of County Commissioners

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

919-715-2893

amy.bason@ncacc.org

NC League of Municipalities

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Monica Jackson

919-715-2925

mjackson@ncml.org

### **Legislative Process Concerning Rulemaking**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

919-733-2578

919-715-5460 FAX

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2021 – December 2021

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 <sup>th</sup> day from publication in the Register
35:13	01/04/21	12/08/20	01/19/21	03/05/21	03/22/21	04/15/21	05/01/21	10/01/21
35:14	01/15/21	12/21/20	01/30/21	03/16/21	03/22/21	04/15/21	05/01/21	10/12/21
35:15	02/01/21	01/08/21	02/16/21	04/05/21	04/20/21	05/20/21	06/01/21	10/29/21
35:16	02/15/21	01/25/21	03/02/21	04/16/21	04/20/21	05/20/21	06/01/21	11/12/21
35:17	03/01/21	02/08/21	03/16/21	04/30/21	05/20/21	06/17/21	07/01/21	11/26/21
35:18	03/15/21	02/22/21	03/30/21	05/14/21	05/20/21	06/17/21	07/01/21	12/10/21
35:19	04/01/21	03/11/21	04/16/21	06/01/21	06/21/21	07/15/21	08/01/21	12/27/21
35:20	04/15/21	03/24/21	04/30/21	06/14/21	06/21/21	07/15/21	08/01/21	01/10/22
35:21	05/03/21	04/12/21	05/18/21	07/02/21	07/20/21	08/19/21	09/01/21	01/28/22
35:22	05/17/21	04/26/21	06/01/21	07/16/21	07/20/21	08/19/21	09/01/21	02/11/22
35:23	06/01/21	05/10/21	06/16/21	08/02/21	08/20/21	09/16/21	10/01/21	02/26/22
35:24	06/15/21	05/24/21	06/30/21	08/16/21	08/20/21	09/16/21	10/01/21	03/12/22
36:01	07/01/21	06/10/21	07/16/21	08/30/21	09/20/21	10/21/21	11/01/21	03/28/22
36:02	07/15/21	06/23/21	07/30/21	09/13/21	09/20/21	10/21/21	11/01/21	04/11/22
36:03	08/02/21	07/12/21	08/17/21	10/01/21	10/20/21	11/18/21	12/01/21	04/29/22
36:04	08/16/21	07/26/21	08/31/21	10/15/21	10/20/21	11/18/21	12/01/21	05/13/22
36:05	09/01/21	08/11/21	09/16/21	11/01/21	11/22/21	12/16/21	01/01/22	05/29/22
36:06	09/15/21	08/24/21	09/30/21	11/15/21	11/22/21	12/16/21	01/01/22	06/12/22
36:07	10/01/21	09/10/21	10/16/21	11/30/21	12/20/21	01/20/22	02/01/22	06/28/22
36:08	10/15/21	09/24/21	10/30/21	12/14/21	12/20/21	01/20/22	02/01/22	07/12/22
36:09	11/01/21	10/11/21	11/16/21	01/03/22	01/20/22	02/17/22	03/01/22	07/29/22
36:10	11/15/21	10/22/21	11/30/21	01/14/22	01/20/22	02/17/22	03/01/22	08/12/22
36:11	12/01/21	11/05/21	12/16/21	01/31/22	02/21/22	03/17/22	04/01/22	08/28/22
36:12	12/15/21	11/22/21	12/30/21	02/14/22	02/21/22	03/17/22	04/01/22	09/11/22

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## **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

June 1, 2021

**EXECUTIVE ORDER NO. 217**

**EXTENDING TRANSPORTATION-RELATED PROVISIONS  
IN PREVIOUS EXECUTIVE ORDERS**

**WHEREAS**, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), 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 ("Declaration of a State of Emergency"); 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 declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, 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 purposes 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, 169-173, 176-177, 180-181, 183-185 and 188-193; 195, 197-198, 200, 204-207, 209-212, 215-216, and

**WHEREAS**, more than one million and three thousand (1,003,000) people in North Carolina have had COVID-19, and more than thirteen thousand one hundred (13,100) people in North Carolina have died from the disease; and

**WHEREAS**, in recent weeks North Carolina has seen improvement in key COVID-19 metrics, including COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, the number of emergency department visits that are due to COVID-like illnesses, and the number of COVID-19 associated hospitalizations; and

**WHEREAS**, North Carolina is taking measured, evidence-based approaches to pandemic recovery, including promoting COVID-19 safety precautions, expediting vaccine rollout, and developing workplace safety measures; and

**WHEREAS**, due to the measures taken to date by the undersigned and the resilience and persistence of all North Carolinians, the state's key COVID-19 metrics continue to improve; and

**WHEREAS**, on May 14, 2021, the undersigned, as a result of improving COVID-19 trends, signed Executive Order No. 215 lifting most COVID-19 restrictions related to social distancing, face covering requirements, and capacity limits; and

**WHEREAS**, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments is an essential need of the public and any interruption in the delivery of those fuels threatens the public welfare; and

**WHEREAS**, Executive Order No. 116, issued on March 10, 2020, included certain suspensions of Federal Motor Carrier Safety Regulations; and

**WHEREAS**, on May 26, 2021, the Federal Motor Carrier Safety Administration ("FMCSA") issued Extension of the Expanded Modified Emergency Declaration No. 2020-002 to provide regulatory relief for commercial motor vehicle operations that provide direct assistance in support of emergency relief efforts related to COVID-19; and

**WHEREAS**, the undersigned has determined that the Executive Order needs to remain in place to allow for the continued expedited movement of vehicles in the state and to be ready in case there is a spike in the disease among the non-vaccinated population; and

**WHEREAS**, Executive Order No. 119, issued on March 20, 2020, the undersigned facilitated critical motor vehicle operations; and

**WHEREAS**, Executive Order No. 197, issued on February 26, 2021, extended the transportation related provisions in Executive Order Nos. 116, 119, 133, 140, 146, 150, 157, 164, and 192; 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-19.70(b), allows for the undersigned to declare by executive order that the health, safety, or economic well-being of persons or property in this state require that the maximum hours of service prescribed by the Department of Public Safety pursuant to N.C. Gen Stat. § 20-381 and similar rules be waived for persons transporting essentials or assisting in the restoration of utility services.

**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. Extensions**

For the reasons and pursuant to the authority set forth above and set forth in the relevant Executive Orders referenced below, the undersigned orders as follows:

**A. Executive Order Nos. 116 and 119.**

1. Sections 3, 5 and 5.5 of Executive Order No. 119 (which were extended by Executive Order Nos. 133, 140, 146, 150, 157, 164, 197 and reissued in No. 192) are hereby extended through August 31, 2021.
2. Section 5 of Executive Order No. 116 (which was amended by Section 6 of Executive Order No. 119, Section 1 of Executive Order No. 146, Section 1 of Executive Order No. 150, Section 1 of Executive Order No. 157, Section 1 of Executive Order No. 192 and extended by Executive Order Nos. 133, 140, 146; 150, 157, 164, 197 and reissued in No. 192) is extended pursuant to N.C. Gen. Stat. § 166A-19.70(b) through August 31, 2021.

Section 5 of Executive Order No. 116 is amended as follows:

In order to ensure adequacy and location of supplies and resources to respond to COVID-19, DPS, in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381 subject to the restrictions and limitations in this Executive Order, if the driver is transporting medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19; and supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19, such as masks, gloves, hand sanitizer, soaps and disinfectants, essential fuels such as fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments; and food, water, livestock, poultry, feed for livestock and poultry and other supplies and equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. These maximum hours may be waived through the duration of the State of Emergency or until further notice. Direct assistance does not include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this Executive Order.

3. This Executive Order does not amend the sixty (60) day postponement of DMV-related hearings established in Section 3.f of Executive Order No. 119.
4. The first sentence of Section 8 of Executive Order No. 119 is amended to read:  
  
“This Executive Order is effective immediately and shall remain in effect until the end of the calendar day on August 31, 2021, or until rescinded or superseded by another applicable Executive Order.”

**B. Miscellaneous provisions.** For avoidance of doubt:

1. Future Executive Orders may extend the term of the restrictions, delegations, and requirements listed above.
2. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**Section 2. 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.

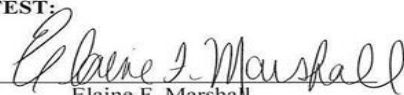
**Section 3. Effective Date**

This Executive Order is effective immediately. This Executive Order shall remain in effect until August 31, 2021, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of a 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 1<sup>st</sup> day of June in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

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



Public Notice  
North Carolina Environmental Management Commission  
Division of Water Resources/Water Quality Permitting Section  
1617 Mail Service Center  
Raleigh, NC 27699-1617  
Notice of Intent to Reissue an NPDES General Wastewater Permit

The North Carolina Environmental Management Commission proposes to reissue the following NPDES wastewater general permit:

NPDES General Permit No. NCG530000 for the discharge of treated wastewater resulting from seafood packing and rinsing operations, as well as from fish farms and hatcheries defined as concentrated aquatic animal production (CAAP) facilities with production levels above specified minimums.

Written comments regarding the proposed general permit will be accepted until 30 days after the publish date of this notice. The Director of the NC Division of Water Resources (DWR) may hold a public hearing should there be a significant degree of public interest. Please mail comments and/or information requests to DWR at the above address. Interested persons may visit the DWR at 512 N. Salisbury Street, Raleigh, NC to review information on file. Additional information on this notice may be found on our website at:  
<https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/npdes-wastewater/public-notice>.

For questions or comments about NPDES General Permit NCG530000 for the discharge of treated wastewater resulting from seafood packing and rinsing operations, as well as from fish farms and hatcheries defined as concentrated aquatic animal production (CAAP) facilities with production levels above specified minimums, please contact Brianna Young via e-mail at [brianna.young@ncdenr.gov](mailto:brianna.young@ncdenr.gov).

**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 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**



**No fiscal note required**

**CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

**SUBCHAPTER 160 – NITROUS-OXIDE-OXYGEN CONSCIOUS SEDATION**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rule cited as 21 NCAC 160 .0402.*

**SECTION .0400 - QUALIFICATIONS TO PERFORM FUNCTIONS**

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[www.ncdentalboard.org](http://www.ncdentalboard.org)

**21 NCAC 160 .0402 EDUCATIONAL REQUIREMENTS**

(a) A Dental Assistant may aid and assist a licensed dentist in the monitoring of nitrous oxide-oxygen inhalant sedation by completing a Board-approved course totaling at least seven hours that covers the following topics:

- (1) definitions and descriptions of physiological and psychological aspects of pain and anxiety;
- (2) the states of drug-induced central nervous system depression through all levels of consciousness and unconsciousness, with special emphasis on the distinction between the conscious and unconscious state;
- (3) respiratory and circulatory physiology, and related anatomy;
- (4) pharmacology of agents used in the nitrous oxide techniques being taught, including drug interaction and incompatibility;
- (5) patient monitoring, with particular attention to vital signs and reflexes related to consciousness;
- (6) prevention, recognition, and management of complications and life threatening situations that may occur during the use of the nitrous oxide techniques, including cardio pulmonary resuscitation;
- (7) description and use of ventilation sedation equipment; and
- (8) potential health hazards of trace anesthetics, and proposed techniques for elimination of these potential health hazards.

**Proposed Effective Date:** November 1, 2021

**Public Hearing:**

**Date:** August 12, 2021

**Time:** 6:30 p.m.

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

**Reason for Proposed Action:** 21 NCAC 160 .0402 is proposed for amendment to set out standards for approval of nitrous oxide courses and instructors.

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

**Comment period ends:** August 30, 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

(b) Courses approved to satisfy the educational requirements of this Rule shall be provided and taught by:

- (1) an instructor who is a dentist holding an unrestricted license as defined by 21 NCAC 16A .0101(7);
- (2) an instructor licensed pursuant to 21 NCAC 16B .0701; or
- (3) a dental hygienist or dental assistant under the direction of an instructor who satisfies the requirements of Subparagraph (b)(1) or (b)(2) of this Rule, who shall be physically present and administer nitrous oxide if it is administered in the course.

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***PROPOSED RULES***

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(c) Courses shall be reviewed at any Board meeting and approved by a majority of the Board to satisfy the educational requirements of this Rule. A list of approved courses is available on the Board's website at [www.ncdentalboard.org](http://www.ncdentalboard.org).

*Authority G.S. 90-29(b)(6); 90-29(c)(10); 90-29(c)(13); 90-48; 90-223.*

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**APPROVED RULES**

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

Rules approved by the Rules Review Commission at its meeting on May 20, 2021 Meeting.

**REGISTER CITATION TO THE  
NOTICE OF TEXT****ENVIRONMENTAL QUALITY, DEPARTMENT OF**

<u>Definitions</u>	01 NCAC 41C .0101*	35:08 NCR
<u>Eligibility</u>	01 NCAC 41C .0201*	35:08 NCR
<u>Criteria for Energy Conservation Loans</u>	01 NCAC 41C .0202*	35:08 NCR
<u>Loan Percentage and Conditions and Limitations</u>	01 NCAC 41C .0203*	35:08 NCR
<u>Pre-Application Conference</u>	01 NCAC 41C .0204*	35:08 NCR
<u>Application Procedures</u>	01 NCAC 41C .0205*	35:08 NCR
<u>Application Review</u>	01 NCAC 41C .0206*	35:08 NCR
<u>Loan Approval</u>	01 NCAC 41C .0207*	35:08 NCR
<u>Loan Agreement and Promissory Note</u>	01 NCAC 41C .0208*	35:08 NCR
<u>Reports</u>	01 NCAC 41C .0209*	35:08 NCR
<u>Monitoring</u>	01 NCAC 41C .0210*	35:08 NCR
<u>Default</u>	01 NCAC 41C .0211*	35:08 NCR
<u>Technical Analysis Required</u>	01 NCAC 41C .0301*	35:08 NCR
<u>Technical Analyst Disqualifications</u>	01 NCAC 41C .0302*	35:08 NCR
<u>Report Required</u>	01 NCAC 41C .0303*	35:08 NCR
<u>Definitions</u>	01 NCAC 41D .0102*	35:08 NCR
<u>Banking</u>	01 NCAC 41D .0201*	35:08 NCR
<u>Selling</u>	01 NCAC 41D .0202*	35:08 NCR
<u>Proceeds and Distribution</u>	01 NCAC 41D .0301*	35:08 NCR
<u>Reports</u>	01 NCAC 41D .0401*	35:08 NCR

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Background Investigation</u>	12 NCAC 10B .0305*	35:15 NCR
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**COASTAL RESOURCES COMMISSION**

<u>Public Water Supply Categories</u>	15A NCAC 07H .0401*	34:09 NCR
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**TITLE 01 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**01 NCAC 41C .0101 DEFINITIONS**

For the purposes of this Subchapter, the following definitions apply:

- (1) "Allowable Costs" means origination cost, letter of credit fee (first year), engineering design fee, and implementation of an eligible energy conservation measure. All allowable costs to be included in the loan shall be incurred after the execution date of the Letter of Intent.
- (2) "Applicant" means any commercial or industrial business, nonprofit organization local government entity, or resident applying for a loan under the Program.
- (3) "Combustion efficiency test" means a test performed as part of a heating system maintenance to measure how well the furnace or boiler is performing.
- (4) "Commercial or industrial business" means a commercial or industrial concern that provides goods or services for profit from a location in North Carolina.
- (5) "Commercially available" means available to the general public and does not include experimental or research-related technologies.
- (6) "Credit worthiness" means the ability of the applicant to meet the lending institution's standard lending criteria.
- (7) "Energy conservation measure" means a commercially available energy efficient device, technique, or technology, designed to reduce energy consumption, peak demand, or utility costs at an existing or proposed commercial or industrial business, nonprofit organization, local government entity, or residence.
- (8) "Financial Services Division" means the Fiscal Management Division within the N.C. Department of Environmental Quality.

- (9) "Letter of Intent" means written notification of the Department of Environmental Quality's intent to originate the loan, subject to the conditions and limitations of the Energy Improvement Loan Program.
- (10) "Payback" means the total energy conservation measure costs (including installation, equipment, and engineering design) divided by the total annual estimated utility cost savings for a period of years.
- (11) "Program" means the Energy Improvement Loan Program.
- (12) "Recycling Projects" means projects that extract and reprocess energy, water, and materials for reuse in buildings, transportation systems, environmental management, consumer products, or outreach.
- (13) "Renewable" means solar, wind, biomass, or hydropower resources.
- (14) "Repayment Schedule" means a schedule of periodic payments based upon payback as projected in the Technical Analysis rounded to the next quarter. Prepayments shall reduce the term of the loan with periodic payments remaining unchanged.
- (15) "State Energy Office" means the State Energy Office, Division of Energy, within the N. C. Department of Environmental Quality.
- (16) "Technical Analysis " means a report identifying and analyzing the cost-effective capital energy conservation improvements that the applicant wishes to implement.
- (17) "Technical Analyst" means a licensed engineer, architect, or certified Home Energy Rating System, "HERS" ®, rater that conducts the technical analysis for the purposes of this Subchapter.
- (18) "Third-Party Technical Analyst" means a Technical Analyst who performs the Technical Analysis and does not have a financial interest in the commercial or industrial business,



- nonprofit organization, residence or local government entity, or in the sale and installation of any proposed energy conservation measure.
- (19) "Useful life" means the period during which an asset or property is expected by the manufacturer to continue by the manufacturer to function for the purpose for which the asset or property was acquired.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0201 ELIGIBILITY**

The following are eligible to apply for loans:

- (1) A commercial or industrial business, nonprofit organization, local government entity, or resident located in North Carolina that owns the existing building or site of planned construction where the energy conservation measures will be made, or that has a lease or management agreement for the proposed building site or building extending beyond the term of the loan. However, when the owner of the building or building site authorizes the approved energy conservation measures, the lease or management agreement need not extend beyond the term of the loan.
- (2) A commercial or industrial business, nonprofit organization, local government entity, or resident relocating to North Carolina that owns the site of planned construction where the energy conservation measures will be made, or that has a lease or management agreement for such proposed building or building site extending beyond the term of the loan. However, when the owner of the building or building site authorizes the approved energy conservation measures, the lease or management agreement need not extend beyond the term of the loan.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0202 CRITERIA FOR ENERGY CONSERVATION LOANS**

Energy conservation projects for which the loans are desired shall meet the following criteria:

- (1) The building site where the measures are to be installed shall be in North Carolina.
- (2) The project shall demonstrate in the Technical Analysis the ability to conserve energy through efficient energy use or the utilization of renewable energy resources that results in energy savings based upon a net reduction in

- the use of nonrenewable resources. The energy conservation measure shall be based on a Technical Analysis report as defined in Rule .0101 of this Subchapter, conducted within the previous year.
- (3) A maximum total loan indebtedness in accordance with G.S. 143B-344.44(b)(2).
- (4) The project shall utilize commercially available energy conservation measures.
- (5) The installation of the energy conservation measure may, at the discretion of the applicant, commence after the Financial Services Division issues the Letter of Intent; however, the origination of the loan shall still be subject to the conditions and limitations of the Program, pursuant to Rule .0203 of this Section.
- (6) The energy conservation measure shall be demonstrated, within the Technical Analysis, to have a payback of less than one over a period of 20 years or less.
- (7) Each energy conservation measure shall be demonstrated to have a payback of less than one over the useful life of the energy conservation measure.
- (8) Eligible energy conservation measures shall fall under one of the following categories:
- (a) lighting systems;
  - (b) heating, ventilation, and air conditioning systems;
  - (c) electrical distribution systems (motors, variable speed drives, fans, etc.);
  - (d) energy management systems;
  - (e) boiler efficiency systems;
  - (f) energy recovery systems, including on-site generation of electricity;
  - (g) alternate/renewable energy systems;
  - (h) building envelope (doors, windows, roofs, etc.);
  - (i) industrial process or fabrication systems;
  - (j) load management systems;
  - (k) fuel conversion projects;
  - (l) other demand-related improvements; and
  - (m) recycling projects.
- (9) The energy conservation measure shall meet applicable State air and water quality standards, in accordance with 15A NCAC 02B, 02D, and 02L, which are incorporated by reference, including all subsequent amendments.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0203 LOAN PERCENTAGE AND CONDITIONS AND LIMITATIONS**

(a) The interest rate on the loan shall be set pursuant to G.S. 143B-344.44(c) by the State Energy Office based on the following:

- (1) previous State Energy Office loan recipients get one percent deduction with closed loans and no defaults to zero percent;
- (2) loans made to residents and small businesses shall receive a one percent interest rate;
- (3) loans made to nonprofit organizations and local governments projects shall receive a two percent interest rate; and
- (4) loans made to commercial and industrial entities shall receive a three percent interest rate.

(b) Loans shall be made subject to the following conditions:

- (1) the repayment schedule shall be based on the estimated payback as shown in the Technical Analysis Report, pursuant to Rule .0303 of this Subchapter;
- (2) the commercial or industrial business, nonprofit organization, local government entity, or resident shall make payments at least once a month;
- (3) the total amount of the loan, or any portion thereof, may be repaid at any time before the total amount is due, without penalty;
- (4) rebates received through other program offerings of the State Energy Office for projects undertaken from loan proceeds shall be used to reduce the amount of principal;
- (5) the borrower shall warrant that all work or construction done with the proceeds of a loan under this program shall comply with all building codes;
- (6) project implementation shall begin within 90 days after approval of the application. If delays are encountered following loan closing, any arbitrage profits will be repaid to the Energy Loan Fund;
- (7) loan payments or drafts shall be sent or delivered to the Financial Service Division, in accordance with 04 NCAC 12D .0101; and
- (8) a letter of credit from a bank approved to do business in North Carolina shall secure the loan against non-payment and also serve as a quarterly drafting mechanism for loan repayment from the bank.

(c) Loans shall be made subject to the following limitations:

- (1) the amount of the loan shall not exceed allowable costs;
- (2) loans shall not be used to replace an existing loan; and
- (3) no loans shall be forgiven.

*History Note: Authority G.S. 143B-344.44; Eff. August 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0204 PRE-APPLICATION CONFERENCE**

(a) The potential applicant shall schedule a pre-application conference with the State Energy Office by email, telephone, or office visit at least one week prior to submission of a project application. During the pre-application conference, the parties shall:

- (1) ensure the application procedures are understood; and
- (2) reach an understanding among all parties that the project is eligible for approval in accordance with Rule .0202 of this Section.

(b) Parties present at the pre-application conference shall include representatives from the Financial Services Division, the State Energy Office, and the applicant or the applicant's engineer.

(c) The applicant shall offer verbal, and if available, written project descriptions.

(d) The applicant shall provide water and air quality permits required for the project.

(e) The applicant shall provide the final Technical Analysis.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. August 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0205 APPLICATION PROCEDURES**

The applicant shall complete an application on a form provided by the Financial Service Division, which can be found at <http://portal.ncdenr.org/web/lr/state-energy-office>. The application shall contain the following information:

- (1) the name and mailing address, including the county, of the applicant;
- (2) the address, building name (where applicable) or site description, including photographs, to locate where the energy conservation measure(s) will be installed;
- (3) the name of a contact person, including title and telephone number;
- (4) the loan amount requested;
- (5) the estimated dates of implementation and completion of the project;
- (6) a copy of the Technical Analysis approved by the State Energy Office;
- (7) identification of the commercial lending institution that is providing the letter of credit, depository, and repayment services;
- (8) commercial or industrial business, nonprofit organizations, or local government entity applicants shall provide financial data, including financial statements from the last five years and profit and loss statements, on which to base a determination of the applicant's creditworthiness. Residential applicants shall provide a credit report.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0206 APPLICATION REVIEW**

(a) The Department shall conduct concurrent administrative and Technical Analysis reviews as follows:

- (1) the administrative review shall be conducted by the Financial Services Division and may include any financial data or information needed to complete the review. Additional data may be requested if the initial data is incomplete.
- (2) the Technical Analysis review shall be conducted by the State Energy Office and shall consider each energy conservation measure for which funding is requested, including the accuracy of energy calculations, engineering principles considered, and labor and material costs relative to the current local market.

(b) Following the reviews in Paragraph (a) of this Rule, the State Energy Office shall approve those energy conservation measures that were determined to meet the requirements of this Subchapter.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0207 LOAN APPROVAL**

Following the review set forth in Rule .0206 of this Section, the State Energy Office shall approve the application provided:

- (1) the administrative and Technical Analysis reviews satisfy the requirements of this Subchapter;
- (2) the credit worthiness of the applicant is established; and
- (3) funds are available.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0208 LOAN AGREEMENT AND PROMISSORY NOTE**

After an application for a loan is approved, a loan agreement shall be executed between the Financial Services Division and the borrower. The loan agreement shall include a promissory note and other documents including security agreements, mortgages, and recordings. It shall also contain the covenants and representations as to the borrower's qualification to borrow for the loan, intended use of the loan proceeds, conditions under which the loan will be repaid, as well as events requiring the acceleration, the rights and responsibilities of the parties, and the terms and conditions of the loan. The requirements to secure the loan shall be included in the loan agreement. Loans shall be secured through bank letter of credit.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0209 REPORTS**

Reports shall be submitted by the borrower as follows:

- (1) progress reports shall be submitted quarterly to the State Energy Office during the period of implementation or while installation is in progress and shall include a description of:
  - (a) the current status;
  - (b) any problems; and
  - (c) a forecast of expectations or deviations from the Technical Analysis, prepared in accordance with Rule .0303 of this Subchapter.
- (2) a final report certified by the Technical Analyst shall be submitted to the State Energy Office upon completion of the project. The report shall include a description of:
  - (a) the measures implemented;
  - (b) the actual cost of each measure; and
  - (c) the adjusted estimated payback, based on the actual cost.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. September 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0210 MONITORING**

The Financial Service Division shall monitor the use of the funds under this program through review of reports. The State Energy Office shall monitor those buildings or projects where the energy conservation projects are in progress to verify the installation of the energy conservation measures conforms to the approved Technical Analysis. At least one visit shall be made to the site of each energy conservation project during the life of the loan.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0211 DEFAULT**

If the borrower violates any of the terms of the loan agreement, the Financial Services Division shall place the borrower in default. Borrowers determined to be in default shall be notified by certified mail and the terms of the loan agreement and letter of credit shall be executed.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4);*

*Eff. August 1, 2004;*

*Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0301 TECHNICAL ANALYSIS REQUIRED**

(a) An application for an energy conservation loan shall be accompanied by a Technical Analysis that has been conducted by

a third-party Technical Analyst and approved by the State Energy Office as fulfilling the energy aspects of the Program.

(b) The Technical Analysis shall address only the specific energy conservation measures for which the loan is being requested. Each energy conservation measure analyzed shall be an individual recommendation incorporating technical and economic analyses of the measure, considering building, process, and equipment characteristics, and energy use patterns pertinent to the improvement. The Technical Analysis shall include the estimated cost of the implementation, a construction schedule, and expected energy savings.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0302 TECHNICAL ANALYST DISQUALIFICATIONS**

(a) A third-party Technical Analyst shall not have a financial interest in the commercial or industrial business, nonprofit organization, local government entity, or residence or in the sale and installation of any proposed energy conservation , measure. However, the third-party Technical Analyst is permitted to provide construction management services to an approved applicant.

(b) An outline of qualifications of the Technical Analyst, documenting previous experience in energy conservation in building construction, mechanical systems, or manufacturing processes shall be submitted in writing to the State Energy Office.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41C .0303 REPORT REQUIRED**

A third-party Technical Analyst shall submit three copies of the results of a Technical Analysis in writing on a form provided by the State Energy Office, which can be found at <http://portal.ncdenr.org/web/lr/state-energy-office>. The report shall include the following:

- (1) a description of the facility characteristics and energy data, including the operational characteristics of the energy-using systems;
- (2) a description and engineering analysis of each energy conservation measure, including the following:
  - (a) an estimate of the cost of design, acquisition, and installation, including monitoring equipment to assess the performance of the measure, discussing assumptions as the Technical Analyst deems necessary;
  - (b) an estimate of the annual energy saved and energy cost savings by fuel type, using engineering standards and practices that are recognized by the North Carolina State Board of

Examiners for Engineers and Surveyors, including all formulae, data, and assumptions presented in arriving at the estimate;

- (c) the results of a combustion efficiency test, if furnace or boiler modifications or replacements are being implemented;
  - (d) the payback period of each energy conservation measure; and
  - (e) a proposed construction schedule for each energy conservation measure; and
- (3) the energy use and cost data for each fuel type used for the prior billing period.

*History Note: Authority G.S. 143B-344.44(b)(3); 143B-344.44(b)(4); Eff. September 1, 2004; Readopted Eff. June 1, 2021.*

**01 NCAC 41D .0102 DEFINITIONS**

For the purposes of this Chapter, the following definitions apply:

- (1) "AFV" means the same as defined in G.S.143-58.4.
- (2) "Alternative fuel" means the same as defined in G.S. 143-58.4.
- (3) "B20" means the same as defined in G.S. 143-58.4.
- (4) "Biodiesel Fuel Use Credit" means an EPAct credit given by the U.S. Department of Energy (DOE) for each 450 gallons of pure biodiesel purchased for use in blends of 20% or higher. No credit shall be granted for the petroleum portion of biodiesel fuel blends, pursuant to 10 CFR 490.703.
- (5) "Department" means the same as defined in G.S. 143-58.4. [
- (6) "E85" means the same as defined in G.S. 143-58.4.
- (7) "Energy Policy Act" means the same as defined in G.S. 143-58.4.
- (8) "EPAct credit" means the same as defined in G.S. 143-58.4.
- (9) "FFV" means a flexible fuel vehicle that is capable of operating on both E85 and gasoline.
- (10) "LDV" means a light duty vehicle that has less than an 8,500 lb gross vehicle weight rating (GVWR).
- (11) "NC Alternative Fuel Consortium" means a voluntary group of State agencies, institutions, and interested entities that meet quarterly and is hosted by the State Energy Office to coordinate alternative fuel and petroleum displacement activities in North Carolina.
- (12) "OEM" means original equipment manufacturer.
- (13) "SEO" means the State Energy Office.

- (14) "U.S. DOE" means the United States Department of Energy.
- (15) "U.S. EPA" means the United States Environmental Protection Agency.

*History Note: Authority G.S. 143-58.4; 143-58.5;  
Eff. May 1, 2007;  
Readopted Eff. June 1, 2021.*

**01 NCAC 41D .0201 BANKING**

(a) EPA credits shall be accrued and banked according to the following:

- (1) The U.S. DOE Alternative Fuel Transportation Program 10 CFR Part 490, which is incorporated by reference including subsequent amendments and editions and can be found at no charge at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>, requires that 75% of LDVs acquired by state fleets shall be FFVs, compressed natural gas vehicles, propane vehicles, or electric vehicles;
- (2) One credit shall be earned for each OEM or EPA certified retrofit FFV, compressed natural gas vehicle, propane vehicle, or electric vehicle purchased;
- (3) Credits that exceed the annual minimum State AFV acquisition requirements shall be banked through the U.S. Department of Energy's Alternative Fuel Transportation Program to meet future year requirements or traded;
- (4) State fleet cars can earn Biodiesel Fuel Use Credits to meet 50% of their annual AFV acquisition requirements by purchasing and using biodiesel; and
- (5) Biodiesel Fuel Use Credits cannot be traded or banked.

(b) Credits shall be determined by State agencies in cooperation with the State Energy Office in the following manner:

- (1) Each year by December 1<sup>st</sup>, every State department, institution, and agency subject to EPA requirements shall provide the State Energy Office with the types of vehicles purchased, the vehicle identification numbers, and the dates of purchase to determine the number of EPA credits generated by the State; and
- (2) The SEO shall submit an annual EPA credit report to the U.S. DOE by December 31st.

(c) The following provisions shall be used in determining credits:

- (1) EPA credits eligible for sale include FFVs if the FFVs are operating on E85;
- (2) EPA credits generated through the use of B20 are not eligible for sale or transfer; however, they shall be used by the State to meet 50% of Energy Policy Act requirements; and
- (3) State agencies and institutions that purchase FFVs shall record the use of E85 for the FFVs.

*History Note: Authority G.S. 143-58.4; 143-58.5;*

*Eff. May 1, 2007;  
Readopted Eff. June 1, 2021.*

**01 NCAC 41D .0202 SELLING**

(a) The State Energy Office shall form a Credit Selling Work Group to determine the number of excess credits to be sold as follows:

- (1) The Credit Selling Work Group shall consist of:
  - (A) the Department of Administration Motor Fleet Management designee;
  - (B) the Department of Transportation Equipment Unit designee;
  - (C) the State Energy Office designee; and
  - (D) the Designees of other State agencies and institutions that generate EPA credits; and

- (2) The Credit Selling Work Group shall determine the asking price for credits.

(b) The State Office shall obtain approval from the Energy Policy Council prior to selling EPA credits, pursuant to G.S. 113B-6(3).

(c) The State Office shall sell EPA credits in accordance with the provisions of the Energy Policy Act.

*History Note: Authority G.S. 143-58.4; 143-58.5;  
Eff. May 1, 2007;  
Readopted Eff. June 1, 2021.*

**01 NCAC 41D .0301 PROCEEDS AND DISTRIBUTION**

(a) Funds generated by the sale or transfer of EPA credits by the State Energy Office shall be deposited into the Alternative Fuel Revolving Fund.

(b) The following shall be undertaken to determine the distribution of proceeds from the Alternative Fuel Revolving Fund:

- (1) The State Energy Office shall annually inform the NC Alternative Fuel Consortium of the amount of revenue accrued to the Alternative Fuel Revolving Fund and the percentage of these funds that were generated by participating State agencies, institutions, or entities;
- (2) The State Energy Office shall organize meetings of the NC Alternative Fuel Consortium and the Credit Selling Work Group to discuss and prioritize distribution of funds;
- (3) An annual plan for the dispersion of Alternative Fuel Revolving Funds shall be prepared by the State Energy Office based on recommendations of the Alternative Fuels Consortium and the Credit Selling Work Group; and
- (4) The Energy Policy Council shall review and approve the annual plan, pursuant to G.S. 113B-6(3).

*History Note: Authority G.S. 143-58.4; 143-58.5;  
Eff. May 1, 2007;  
Readopted Eff. June 1, 2021.*

**01 NCAC 41D .0401      REPORTS**

- (a) Progress reports shall be submitted biannually by State departments, agencies, and institutions that receive funds from the Alternative Fuel Revolving Fund.
- (b) The progress report shall include a description of the current project, number of gallons of alternative fuel or vehicles purchased, and forecast of expectation or deviation from the project schedule.

*History Note: Authority G.S. 143-58.4; 143-58.5;  
Eff. May 1, 2007;  
Readopted Eff. June 1, 2021.*

**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 10B .0305      BACKGROUND  
INVESTIGATION**

- (a) Prior to the background investigation conducted by the employing agency to determine the applicant's suitability for employment and certification, the applicant shall complete the Commission's Personal History Statement (F-3) to provide information regarding his or her former names, education, address(es), family, financial, employment, and military history, as well as any prior criminal or civil charges, actions, or behavior. The information provided on this form shall serve as a basis for the investigation. The Commission-mandated Personal History Statement (F-3) submitted to the Division shall be completed no more than 120 days prior to the applicant's date of appointment. The Personal History Statement (F-3) is available on the Commission's website at <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.
- (b) If the Personal History Statement (F-3) was completed more than 120 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the applicant who shall initial and date all changes or a new Personal History Statement (F-3) must be completed.
- (c) The employing agency shall ensure the properly notarized and dated signatures are affixed to the Personal History Statement (F-3). It shall also certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement (F-3); if not, the employing agency shall provide the applicant the opportunity to update the F-3 prior to submission to the Division.
- (d) The employing agency, prior to employment, shall examine the applicant's character traits and habits displayed in his or her performance as a justice officer and shall determine whether the applicant is of good moral character as defined in Rule .0301(a)(8). The investigator shall summarize the results of the investigation on the Commission-mandated Background Investigation Form (F-8) which shall be signed and dated by the investigator. The Background Investigation Form (F-8) is available on the Commission's website.
- (e) The Background Investigation Form (F-8) shall include records checks from:

- (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;

- (2) the national criminal record database accessible through the Division of Criminal Information (DCI) network;
- (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina; and
- (4) out-of-state motor vehicles check obtained through the Division of Criminal Information or obtained through the any other state's Division of Motor Vehicles if the applicant held a license in that state(s) within the 10 year period prior to the date of appointment.

(f) The background investigation must also include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

- (1) Where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;
- (2) Where the applicant resided in another country, an Interpol records check shall be acceptable provided the country is a member of Interpol; or if the applicant was in the United States military, a military records check shall be acceptable; or if neither, efforts shall be made and documented to attempt to obtain a records check from the country and submitted if available; and
- (3) Where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information using the Out-of-State Computer Name Query (IQ) shall be acceptable provided the state will respond to that type of inquiry. If not, then either a records check response from both the municipality, city, or town where the applicant resided and the county-wide Sheriff's Office or Police Department obtained through traditional correspondence, or a records check from the appropriate county-wide or state-wide record holding agency shall be acceptable.

(g) If the applicant had prior military service, the Background Investigation must also include a copy of the applicant's DD214 that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check shall also be required.

(h) All records checks shall be performed on each name by which the applicant for certification has ever been known since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the age of 12 years of age, then the name change shall be documented.

(i) The employing agency shall forward to the Division certified copies of any criminal charge(s) and disposition(s) known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall explain any charges or other violations that may result from the records checks required in Paragraph (e) of this Section that do not pertain to the applicant

for certification. This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.

(j) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted.

(k) The employing agency shall provide the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website.

*History Note: Authority G.S. 17E-7;  
Eff. January 1, 1989;*

*Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007;  
August 1, 2002; January 1, 1994; January 1, 1993; January 1,  
1992; January 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. March 6, 2018;*

*Amended Eff. June 1, 2021.*

## **TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **15A NCAC 07H .0401 PUBLIC WATER SUPPLY CATEGORIES**

Public water supply AECs include the following categories: valuable small surface water supply watersheds and public water supply well fields.

*History Note: Authority G.S. 113A-107(a); 113A-107(b);  
113A-113(b)(3)a; 113A-124;*

*Eff. September 9, 1977;*

*Readopted Eff. June 1, 2021.*

### **15A NCAC 07H .0404 AECS WITHIN PUBLIC WATER SUPPLIES**

*History Note: Authority G.S. 113A-107(a); 113A-107(b);  
113A-113(b)(3)a; 113A-124;*

*Eff. September 9, 1977;*

*Amended Eff. May 1, 1990; November 1, 1984; January 24, 1978;  
Repealed Eff. June 1, 2021.*

### **15A NCAC 07H .0405 SMALL SURFACE WATER SUPPLY WATERSHEDS**

(a) Description. Small surface water supply watersheds are catchment areas situated only within the coastal area which contain a water body classified as WS-III by the Environmental Management Commission. These bodies of water serve as supply for drinking, culinary, or food processing purposes.

(b) Use Standards. The CRC or local permitting officer shall approve a CAMA permit upon finding that the project is in accord with the following standards:

- (1) Ground absorption sewage disposal systems shall be located a minimum of 100 feet from WS-III surface waters.
- (2) A national pollution discharge elimination system (NPDES) permit shall be secured if required.
- (3) Land-disturbing activities including land clearing, grading, and surfacing shall be in compliance with the mandatory standards of G.S. 113A-57.

(c) Designated Small Surface Water Supply Watersheds AECs shall follow the standards set forth in this Paragraph. The Fresh Pond located between Kill Devil Hills and Nags Head on Bodie Island and adjacent catchment area.

- (1) The lake is approximately one-quarter mile west of the U.S. 158 bypass.
- (2) To protect the water quality of Fresh Pond, the construction of septic tanks and other sources of pollution shall be regulated as follows:
  - (A) Within 500 feet, horizontal distance of the edge of the pond, no construction of sewers, septic tanks nitrification fields or other possible sources of pollution shall be permitted.
  - (B) Between the distances of 500 feet and 1200 feet from the edge of the pond, construction of septic tank systems shall be limited to one single septic tank system serving a single family residence not to exceed four bedrooms or its equivalent volume of sewage, on a lot or tract of land not less than 40,000 square feet.

*History Note: Authority G.S. 113A-107(a); 113A-107(b);  
113A-113(b)(3)a; 113A-124;*

*Eff. September 9, 1977;*

*Amended Eff. May 1, 1990; September 1, 1988; November 1,  
1984; February 18, 1980;  
Readopted Eff. June 1, 2021.*

### **15A NCAC 07H .0406 PUBLIC WATER SUPPLY WELL FIELDS**

(a) Description. Public water supply well fields are areas of well-drained sands that extend downward from the surface into the shallow ground water table that supplies the public with potable water. These surficial well fields are confined to a definable geographic area identified by the North Carolina Department of Environmental Quality and can be found at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=26f4e2b3140f4e58825e48781cceb5e>.

(b) Use Standards. Development within these AECs shall be consistent with the following standards:

- (1) No ground absorption sewage disposal or subsurface pollution injection systems shall be placed within the designated AEC boundary except to replace systems existing as of July 24, 1987;

- (2) Development shall not limit the quality or quantity of the public water supply or the amount of rechargeable water;
- (3) The development shall not cause salt water intrusion or result in the discharge of contaminants, as defined in 15A NCAC 02L .0202, into standing or groundwater; and
- (4) Groundwater absorption sewage treatment systems may also be used within the AEC boundary if the following provisions are met:
  - (A) the system is serving development on a lot that was platted as of July 24, 1987;
  - (B) there is no other viable method of waste treatment for the permissible development of such lot;
  - (C) there is no space outside the boundaries of the AEC on the lot upon which the treatment system could be located; and
  - (D) the Environmental Health Section of the North Carolina Department of Health and Human Services, prior to the permit decision by the Division of Coastal Management under G.S. 113A-118, 113A-119, and 113A-120, reviews and approves the proposed system as complying with existing rules.

(c) Designated public water supply well field. The CRC has designated Cape Hatteras Well Field as a public water supply well field which shall be subject to the use standards as set out in Paragraph (b) of this Rule. The County of Dare is supplied with raw water from a well field located south of N.C. 12 on Hatteras Island between Frisco and Buxton. The area of environmental concern is bounded by a line located 1,000 feet from the centerlines of three tracts. The first tract is identified as "well field" on maps entitled "Cape Hatteras Wellfield Area of Environmental Concern" approved by the Coastal Resources Commission on July 24, 1987, and extends approximately 12,000 feet west from Water Association Road. The second tract is contemporaneous with the first tract, is identified as "future well field" on said maps and extends approximately 8,000 feet to the east of Water Association Road. The third tract is identified as "future well field" on said maps and extends approximately 6,200 feet along the National Park Service boundary east of Water Association Road. A map of the Cape Hatteras Well Field AEC is available from the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557.

*History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(3)a.; 113A-124; 113A-124(c)(8); Eff. September 9, 1977; Amended Eff. December 1, 1997; April 1, 1995; May 1, 1990; October 1, 1987; November 1, 1984; Readopted Eff. June 1, 2021.*

**15A NCAC 07J .0406 PERMIT ISSUANCE AND TRANSFER**

- (a) Upon the approval of an application and the issuance of the permit, the permit shall be delivered to the applicant, or to any person designated by the applicant to receive the permit, by hand, first class mail or any means.
- (b) Anyone holding a permit shall not assign, transfer, sell, or otherwise dispose of a permit to a third party, unless approval is granted by the Director of the Division of Coastal Management pursuant to Paragraph (c) of this Rule.
- (c) A permit may be transferred to a new party at the discretion of the Director of the Division of Coastal Management upon finding each of the following:
  - (1) a written request from the new owner or developer of the involved properties;
  - (2) a deed, a sale, lease, or option to the proposed new party showing the proposed new party as having the sole legal right to develop the project;
  - (3) that the applicant transferee will use the permit for the purposes for which it was issued;
  - (4) no change in conditions, circumstances, or facts affecting the project;
  - (5) no change or modification of the project as proposed in the original application.
- (d) A person aggrieved by a decision of the Director as to the transfer of a permit may request a declaratory ruling by the Coastal Resources Commission as per 15A NCAC 07J .0600.
- (e) The applicant for a permit transfer shall submit with the request a check or money order payable to the Department in the sum of one hundred dollars (\$100.00).

*History Note: Authority G.S. 113A-118(c); 113A-119(a); 113A-119.1; 113A-124(c)(8); Eff. March 15, 1978; Amended Eff. August 1, 2000; March 1, 1991; March 1, 1990; October 15, 1981; Readopted Eff. June 1, 2021.*

**15A NCAC 07J .0409 CIVIL PENALTIES**

- (a) Purpose and Scope. This Rule provides the procedures and standards governing the assessment, remission, settlement, and appeal of civil penalties assessed by the Coastal Resources Commission and the Director pursuant to G.S. 113A-126(d).
- (b) Definitions. The terms used in this Rule shall be as defined in G.S. 113A-103 and as follows:
  - (1) "Act" means the Coastal Area Management Act of 1974, G.S. 113A-100 through 134.
  - (2) "Delegate" means the Director or other employees of the Division of Coastal Management, or local permit officers to whom the Commission has delegated authority to act pursuant to this Rule.
  - (3) "Director" means the Director, Division of Coastal Management.
  - (4) "Respondent" means the person to whom a notice of violation has been issued or against whom a penalty has been assessed.



(c) Investigative costs. In addition to any civil penalty, the costs incurred by the Division for any investigation, inspection, and monitoring associated with assessment the civil penalty may be assessed pursuant to G.S. 113A-126(d)(4a). The amount of investigative costs assessed shall be based upon factors including the amount of staff time required for site visits, investigation, enforcement action, interagency coordination, and for monitoring restoration of the site.

(d) Notice of Violation. The Commission authorizes employees of the Division of Coastal Management to issue in the name of the Commission notices of violation to any person engaged in an activity which constitutes a violation for which a civil penalty may be assessed.

(e) Procedures for Notification of Civil Penalty Assessment.

- (1) The Commission delegates to the Director the authority to assess civil penalties according to the procedures set forth in Paragraph (g) of this Rule.
- (2) If restoration of affected resources is not required, the Director shall issue a civil penalty assessment within 90 days from the date of the Notice of Violation. If restoration of affected resources is required, the Director may issue a civil penalty assessment within 60 days after the Division determines that restoration of the adversely impacted resources is complete or once the date restoration was required has passed without having been completed.

(f) Procedures for Determining the Amount of Civil Penalty Assessment.

- (1) Pursuant to G.S. 113A-126(d)(1), penalties for major development violations, including

violations of permit conditions, shall be assessed as follows:

- (A) Major development that could have been permitted under the Commission's rules at the time the notice of violation is issued shall be assessed a penalty equal to two times the relevant CAMA permit application fee as set forth in Rule .0204 of this Subchapter, plus investigative costs.
- (B) Major development that could not have been permitted under the Commission's rules at the time the notice of violation is issued shall be assessed an amount equal to the relevant CAMA permit application fee, plus a penalty pursuant to Schedule A of this Rule, plus investigative costs. If a violation affects more than one area of environmental concern (AEC) or coastal resource as listed within Schedule A of this Rule, the penalties for each affected AEC shall be combined not to exceed ten thousand dollars (\$10,000) per G.S. 113A-126(d)(1). Any structure or part of a structure that is constructed in violation of existing Commission rules shall be removed or modified as necessary to bring the structure into compliance with the Commission's rules.

**SCHEDULE A**  
**Major Development Violations**

Penalties for Major Development Permit Violations By Size of Violation (sq. ft.)

Area of Environmental Concern Affected	≤ 100	101-500	501-1,000	1001-3000	3001-5000	5001-8000	8001-11,000	11,001-15,000	15,001-20,000	20,001-25,000	>25,000
<b>Estuarine Waters or Public Trust Areas (1)</b>	\$250	\$375	\$500	\$1,500	\$2,000	\$3,500	\$5,000	\$7,000	\$9,000	\$10,000	\$10,000
Primary Nursery Areas	\$100	\$225	\$350	\$850	\$1,350	\$2,850	\$4,350	\$3,000	\$1,000	n/a	n/a
Mudflats and Shell Bottom	\$100	\$225	\$350	\$850	\$1,350	\$2,850	\$4,350	\$3,000	\$1,000	n/a	n/a
Submerged Aquatic Vegetation	\$100	\$225	\$350	\$850	\$1,350	\$2,850	\$4,350	\$3,000	\$1,000	n/a	n/a
Coastal Wetlands	\$250	\$375	\$500	\$1,500	\$2,000	\$3,500	\$5,000	\$7,000	\$9,000	\$10,000	\$10,000

**APPROVED RULES**

Coastal Shorelines	\$250	\$350	\$450	\$850	\$1,250	\$2,450	\$3,650	\$5,250	\$7,250	\$9,250	\$10,000
Wetlands (2)	\$100	\$200	\$300	\$700	\$1,100	\$2,300	\$3,500	\$4,750	\$2,750	\$750	n/a
ORW- Adjacent Areas	\$100	\$200	\$300	\$700	\$1,100	\$2,300	\$3,500	\$4,750	\$2,750	\$750	n/a
<b>Ocean Hazard System (3)(4)</b>	\$250	\$350	\$450	\$850	\$1,250	\$2,450	\$3,650	\$5,250	\$7,250	\$9,250	\$10,000
Primary or Frontal Dune	\$100	\$200	\$300	\$700	\$1,100	\$2,300	\$3,500	\$4,750	\$2,750	\$750	n/a
<b>Public Water Supplies (5)</b>	\$250	\$350	\$450	\$850	\$1,250	\$2,450	\$3,650	\$5,250	\$7,250	\$9,250	\$10,000
<b>Natural and Cultural Resource Areas (6)</b>	\$250	\$350	\$450	\$850	\$1,250	\$2,450	\$3,650	\$5,250	\$7,250	\$9,250	\$10,000

- (1) Includes the Atlantic Ocean from the normal high water mark to three miles offshore.
- (2) Wetlands that are jurisdictional by the Federal Clean Water Act.
- (3) If the AEC physically overlaps another AEC, use the greater penalty schedule.
- (4) Includes the Ocean Erodible, Inlet Hazard Area, and Unvegetated Beach Area.
- (5) Includes Small Surface Water Supply, Watershed and Public Water Supply Well Fields.
- (6) Includes Coastal Complex Natural Areas, Coastal Areas Sustaining Remnant Species, Unique Geological Formations, Significant Coastal Archaeological Resources, and Significant Coastal Historical Architectural Resources.
- (C) Assessments for violations by public agencies, i.e. towns, counties, and State agencies shall be determined in accordance with Parts (1)(A) and (B) of this Paragraph.
- (D) Willful and intentional violations. The penalty assessed in accordance with Parts (1)(A) and (B) of this Paragraph. shall be doubled for willful and intentional violations except that the doubled penalties assessed under this Subparagraph shall not exceed ten thousand dollars (\$10,000) or be less than two thousand dollars (\$2,000) for each separate violation. For the purposes of G.S. 113A-126(d)(2), the following actions shall be considered willful and intentional:
  - (i) the person received written instructions from one of the Commission's delegates that a permit would be required for the development and subsequently undertook development without a permit;
  - (ii) the person received written instructions from one of the Commission's delegates that the proposed development was not permissible under the Commission's rules, or received denial of a permit application for the proposed activity, and subsequently undertook the development without a permit;
  - (iii) the person committed previous violations of the Commission's rules; or
  - (iv) the person refused or failed to restore a damaged area as ordered by one of the Commission's delegates.
- (E) Assessments against contractors. Any contractor, subcontractor, or person functioning as a contractor shall be subject to a notice of violation and assessment of a civil penalty in accordance with Paragraph (f) of this Rule. Such penalty shall be in addition to that assessed against the landowner. When a penalty is being doubled pursuant to Part (D) of this Subparagraph and the element of willfulness is present only on the part of the contractor, the landowner shall be assessed the standard penalty and the contractor shall be assessed the doubled penalty.
- (F) Assessments for Continuing violations.

- (i) Pursuant to G.S. 113A-126(d)(2), each day that the violation continues after the date specified in the notice of violation for the unauthorized activity to cease or restoration to be completed shall be considered a separate violation and shall be assessed an additional penalty.
- (ii) Refusal or failure to restore a damaged area as directed in the restoration order shall be considered a continuing violation and shall be assessed an additional penalty. When resources continue to be affected by the violation, the amount of the penalty shall be determined according to Part (B) of this Subparagraph. The continuing penalty period shall be calculated from the date specified in the restoration order which accompanies the notice of violation for the unauthorized activity to cease or restoration to be completed and run until:
- (I) the Division determines that the terms of the restoration order are satisfied;
- (II) the respondent enters into negotiations with the Division; or
- (III) the respondent contests the
- Division's order in a judicial proceeding.
- The continuing penalty period shall resume if the respondent terminates negotiations without reaching an agreement with the Division, fails to comply with court ordered restoration, or fails to meet a deadline for restoration that was negotiated with the Division.
- (2) Pursuant to G.S. 113A-126(d)(1), penalties for minor development violations, including violations of permit conditions, shall be assessed as follows:
- (A) Minor development that could have been permitted under the Commission's rules at the time the notice of violation is issued shall be assessed a penalty equal to two times the relevant CAMA permit application fee, plus investigative costs.
- (B) Minor development that could not have been permitted under the Commission's rules at the time the notice of violation is issued shall be assessed an amount equal to the relevant CAMA permit application fee as set forth in Rule .0204 of this Subchapter, plus a penalty pursuant to Schedule B of this Rule, plus investigative costs. If a violation affects more than one area of environmental concern (AEC) or coastal resource as listed within Schedule B of this Rule, the penalties for each affected AEC shall be combined. Any structure or part of a structure that is constructed in violation of existing Commission rules shall be removed or modified as necessary to bring the structure into compliance with the Commission's rules.

**SCHEDULE B**  
**Penalties for Minor Development Permit Violations By Size of Violation**  
 Size of Violation (sq. ft.)

Area of Environmental Concern Affected	≤ 100	101-500	501-1,000	1001-3000	3001-5000	5001-8000	8001-11,000	11,001-15,000	15,001-20,000	20,001-25,000	>25,000
Coastal Shorelines	\$225	\$250	\$275	\$325	\$375	\$450	\$525	\$625	\$750	\$875	\$1,000
ORW- Adjacent Areas	\$125	\$150	\$175	\$225	\$275	\$350	\$425	\$375	\$250	\$125	n/a

**APPROVED RULES**

<b>Ocean System (1)(2)</b>	<b>Hazard</b>	\$225	\$250	\$275	\$325	\$375	\$450	\$525	\$625	\$750	\$875	\$1,000
Primary or Dune	Frontal	\$125	\$150	\$175	\$225	\$275	\$350	\$425	\$375	\$250	\$125	n/a
<b>Public Supplies (3)</b>	<b>Water</b>	\$225	\$250	\$275	\$325	\$375	\$450	\$525	\$625	\$750	\$875	\$1,000
<b>Natural and Cultural Resource Areas (4)</b>		\$225	\$250	\$275	\$325	\$375	\$450	\$525	\$625	\$750	\$875	\$1,000

(1) Includes the Ocean Erodible, Inlet Hazard Area, and Unvegetated Beach Area.

(2) If the AEC physically overlaps another AEC, use the greater penalty schedule.

(3) Includes Small Surface Water Supply Watersheds, defined in 15A NCAC 07H .0404 and Public Water Supply Well Fields, defined in 15A NCAC 07H .0406.

(4) Includes Coastal Complex Natural Areas, Coastal Areas Sustaining Remnant Species, Unique Geological Formations, Significant Coastal Archaeological Resources, and Significant Coastal Historical Architectural Resources as defined in 15A NCAC 07H .0505, .0506, .0509, and .0510.

(C) Violations by public agencies, e.g., towns, counties, and State agencies, shall be handled by the local permit officer or one of the Commission's delegates within their respective jurisdictions except that in no case shall a local permit officer handle a violation committed by the local government they represent. Penalties shall be assessed in accordance with Parts (A) and (B) of this Subparagraph.

(D) Willful and intentional violations. The penalty assessed under Parts (A) and (B) of this Subparagraph shall be doubled for willful and intentional violations except that the doubled penalties assessed under this Subparagraph shall not exceed one thousand dollars (\$1,000.00) for each separate violation. For the purposes of G.S. 113A-126(d)(2), the following actions shall be considered willful and intentional:

(i) the person received written instructions from the local permit officer or one of the Commission's delegates that a permit would be required for the development and subsequently undertook

development without a permit;

(ii) the person received written instructions from the local permit officer or one of the Commission's delegates that the proposed development was not permissible under the Commission's rules, or received denial of a permit application for the proposed activity, and subsequently undertook the development without a permit;

(iii) the person committed previous violations of the Commission's rules; or

(iv) the person refused or failed to restore a damaged area as ordered by the local permit officer or one of the Commission's delegates.

(E) Assessments against contractors. Any contractor, subcontractor, or person functioning as a contractor shall be subject to a notice of violation and assessment of a civil penalty in accordance with Paragraph (f) of this Rule. Such penalty shall be in addition to that assessed against the landowner. When a penalty is being doubled pursuant to Part (D) of this Subparagraph and the element of willfulness is present only on the part of the contractor, the landowner shall be assessed the standard penalty and the contractor shall be assessed the doubled penalty.

(F) Assessments of Continuing violations.

(i) Pursuant to G.S. 113A-126(d)(2), each day that the violation continues after the date specified in the notice of violation for the unauthorized activity to cease and restoration to be completed shall be

considered a separate violation and shall be assessed an additional penalty.

- (ii) Refusal or failure to restore a damaged area as directed in the restoration order shall be considered a continuing violation and shall be assessed an additional penalty. The amount of the penalty shall be determined according to Part (B) of this Subparagraph. The continuing penalty period shall be calculated from the date specified in the restoration order which accompanies the notice of violation for the unauthorized activity to cease and restoration to be completed and run until:

- (I) the Division determines that the terms of the restoration order are satisfied;
- (II) the respondent enters into negotiations with the local permit officer or the Division; or
- (III) the respondent contests the local permit officer's or the Division's order in a judicial proceeding.

The continuing penalty period shall resume if the respondent terminates negotiations without reaching an agreement with the local permit officer or the Division, fails to comply with court ordered restoration, or fails to meet a deadline for restoration that was negotiated with the local permit officer or the Division.

(g) Reports to the Commission. Action taken by the Director shall be reported to the Commission at the next regularly scheduled Commission meeting. Such reports shall include information on the following:

- (1) respondent(s) against whom penalties have been assessed;
- (2) respondent(s) who have paid a penalty, requested remission, or requested an administrative hearing;
- (3) respondent(s) who have failed to pay; and

- (4) cases referred to the Attorney General for collection.

(h) Settlements. The Commission hereby delegates to the Director the authority to enter into a settlement of an appeal of a civil penalty at any time prior to the issuance of a decision by the administrative law judge in a contested case under G.S. 150B-23, and shall not require the approval of the Commission. Any settlement agreement proposed subsequent to the issuance of a decision by the administrative law judge in a contested case under G.S. 150B-23 shall be submitted to the Commission for approval.

*History Note: Authority G.S. 113A-124; 113A-124(c)(8); 113A-126(d); Eff. January 24, 1980; ARRC Objection August 18, 1988; Amended Eff. January 1, 1989; November 1, 1986; November 1, 1984; ARRC Objection Lodged Eff. January 18, 1991; Amended Eff. September 1, 2019; February 1, 2008; July 1, 1991; June 1, 1991; Readopted Eff. June 1, 2021.*

## **TITLE 19A - DEPARTMENT OF TRANSPORTATION**

### **19A NCAC 03C .0202 TITLING AND REGISTRATION OF BRANDED VEHICLES**

Upon application for title and registration of a motor vehicle as defined in G.S. 20-4.01(33), the following rules apply:

- (1) Flood vehicles shall be branded "Water/Flood Damage Vehicle" on the title and "WATR-FLD" on the registration card.
- (2) Non-USA vehicles shall be titled and registered with an inspector's report to verify the vehicle meets Environmental Protection Agency standards and that the vehicle is operable. The title shall reflect the brand Non-USA vehicle.
- (3) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the vehicle is six model years old or newer, then the title and registration records shall notate a Total Loss Claim and it must be accompanied by:
  - (a) LT-275 Report of Initial Examination of Salvage Vehicle;
  - (b) LT-276 Affidavit of Rebuilder or Owner; and
  - (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

If the three Documents referenced in this Rule are not submitted with the title, then a LT-270 Report of Examination Vehicle is required, and the title shall be branded as Reconstructed with Total Loss Claim noted. The registration records shall reflect Reconstructed and Total Loss Claim.

- (4) If a branded out of state title is transferred from an insurance company's name to an individual or dealer and the vehicle is six model years old

or newer, then the title brand on the previous title will be included on the new NC Certificate of Title, and it shall be accompanied by:

- (a) LT-275 Report of Initial Examination of Salvage Vehicle;
- (b) LT-276 Affidavit of Rebuilder or Owner; and
- (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

If the three documents above are not submitted with the title, a LT-270 Report of Examination of Motor Vehicle, shall be required and the title shall be branded as Reconstructed.

- (5) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the vehicle is older than six model years, the previous title's brand be included on the new NC Salvage Certificate of Title MVR-40 and the inspector's report shall not be required.
- (6) If a branded out-of-state title is transferred from an insurance company's name to an individual or dealer, and the vehicle is older than six model years, it must be accompanied by a LT-270 Report of Examination of Motor Vehicle. The previous title's brand shall be included on the new NC Certificate of Title.
- (7) If a branded out-of-state title is submitted to the Division and in an individual's name or is assigned to an individual or dealer, the previous title's brand shall be included on the new NC Certificate of Title and an inspector's report shall not be required, regardless of the year.
- (8) If a branded out-of-state title is submitted to the Division in a dealer's name or is assigned to an individual or dealer, regardless of the year, it must be accompanied by a LT-20 Report of Examination of Motor Vehicle. The previous title's brand shall be included on the new NC Certificate of Title.
- (9) Salvage rebuilt vehicles will be branded if a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is six model years old or newer, then the title and registration records shall notate Total Loss Claim and must be accompanied by:

- (a) LT-275 Report of Initial Examination of Salvage Vehicle;
- (b) LT-276 Affidavit of Rebuilder or Owner; and
- (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

If the three documents above are not submitted with the title, a LT-270 Report of Examination of Motor Vehicle is required, and the title will be branded as Reconstructed with Total Loss Claim noted. The registration records shall reflect Reconstructed and Total Loss Claim. For vehicles more than six model years old, the

current brand shall be included on the new NC Certificate of Title.

- (10) If a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is more than six model years old, the current brand shall be included on the new NC Salvage Certificate of Title, MVR-40, and an inspector's report shall not be required.
- (11) If an out-of-state title in the name of an insurance company without a brand is transferred to an individual or dealer and the vehicle is six model years old or newer, it shall be accompanied by the LT-270 Report of Examination of Motor Vehicle and the new title shall be branded in accordance with the applicable rules and G.S. 20-39, 20-71.3, and 20-109.1.
- (12) If an out-of-state title or a NC Certificate of Title is being transferred to an insurance company's name and is more than six model years old, a NC Salvage Certificate of Title, MVR-40, will notate Total Loss Claim and shall be branded Salvage Rebuilt.
- (13) Junk vehicles are marked "Junked" on the registration records only. The title must be submitted indicating the vehicle is incapable of operation or use upon the highways and has no resale value except as a source of parts or scraps.

*History Note: Authority G.S. 20-1; 20-4.01(33); 20-39; 20-71.3; 20-109.1;*  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 1993; November 1, 1991; January 1, 1988;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0220 MANUFACTURER'S CERTIFICATE OF ORIGIN**

(a) The Manufacturer's Certificate of Origin shall contain the information set forth in G.S. 20-4.01(20) and the following information:

- (1) the manufacturer's name and address (may be preprinted); and
- (2) a countersignature of an agent (rubber stamped or written). The countersignature is the signature of the authorized person at the dealership.

(b) Upon transfer of a vehicle to a transferee in accordance with G.S. 20-52.1, a dealer shall complete the Assignment of Manufacturer's Certificate and shall comply with the following:

- (1) If the purchaser is not a licensed dealer, the certificate of title shall be obtained prior to further transfer.
- (2) When a transfer is made by a manufacturer to a dealer, the dealer shall make the transfer on the reverse side of the Manufacturer's Certificate.
- (3) The transfer shall match the name on the dealer's license.

- (4) Lien information shall be recorded in the transfer.
- (5) Transfers shall be notarized.
- (6) Alterations shall void the Manufacturer's Certificate and shall require the return of the certificate to the manufacturer for correction.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-54;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0221 REGISTRATION OF OUT-OF-STATE REGISTERED VEHICLES**

The applicant shall provide the following when registering a vehicle in North Carolina that is currently registered in another state, district, or territory:

- (1) the documentary proof of ownership, such as out-of-state vehicle registration or out-of-state certificate of title;
- (2) proof of liability insurance as required by G.S. 20-309; and
- (3) the payment of fees and taxes.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-85; 20-309; 105-187.6(c);  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0222 REGISTRATION: CUSTOM BUILT MOTOR VEHICLES AND TRAILERS**

Registration of a custom-built motor vehicle or trailer requires the following:

- (1) the bills of sale for the principal parts or two appraisals from two different NC dealers with Indemnity Bonds;
- (2) the cancellation of the title if the number on the motor or frame is registered in North Carolina;
- (3) the form MVR-1 Title Application and any lienholder information that is required for titling vehicles in North Carolina;
- (4) the MVR-55 Affidavit for Custom or Replica Built Vehicles, which is a notarized statement that the vehicle was built from parts described by the bills of sale and must be completed in its entirety; and
- (5) the LT-270 Report of Examination of Motor Vehicles, is completed after an inspection by a motor vehicles inspector; and
- (6) the Manufacturer's Certificate of Origin for motor, frame, and transmission assigned to an individual or Indemnity Bond.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-53;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993; August 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0223 REGISTRATION: MOTOR HOMES, ETC.**

(a) The manufacturer of the chassis shall provide a Manufacturer's Certificate of Origin to the manufacturer of the motor home. The Manufacturer's Certificate of Origin shall show the serial number of the chassis.

(b) If an application for registration of a customized van is presented with a Manufacturer's Certificate or Origin describing the van and another certificate describing the conversion kit, then an owner's statement explaining changes is required to determine the trade name, body style, and license classification of the van.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-53;  
*Eff. March 1, 1982;*  
*Amended Eff. January 1, 1994;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0224 PURCHASE INFORMATION**

In addition to the requirements set forth in G.S. 20-52(a), an applicant shall provide the following purchase information on the title application:

- (1) The name and address of the person or firm from whom the vehicle was acquired;
- (2) The date of purchase and whether the vehicle is new or used;
- (3) The dealer's certificate number;
- (4) Whether the vehicle was acquired for use in North Carolina;
- (5) The purchase price, verified by bill of sale on new vehicle;
- (6) The state of last registration;
- (7) The odometer reading and federal odometer statement; and
- (8) The ad valorem tax certification.

*History Note:* Authority G.S. 20-1; 20-39; 20-52;  
*Eff. March 1, 1982;*  
*Amended Eff. November 1, 1991;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0226 REGISTRATION: BUSES TO BE OPERATED FOR HIRE**

The registration for a bus to be operated for hire shall include the empty weight of the bus calculated to the nearest 100 pounds.

*History Note:* Authority G.S. 20-1; 20-39; 20-87;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0228 TITLE ONLY**

To obtain a Certificate of Title without a license plate, the applicant shall verify that a license fee or transfer is not due by indicating on the Application for Title.

*History Note:* Authority G.S. 20-1; 20-39; 20-50; 20-73; 20-79;  
*Eff. March 1, 1982;*

*Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0230 POWERS OF ATTORNEY;  
GUARDIANS**

*History Note: Authority G.S. 20-1; 20-39; 20-77;  
Eff. March 1, 1982;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0234 MINORS MAY OWN VEHICLE**

*History Note: Authority G.S. 20-1; 20-39;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0235 APPLICATION FOR  
DUPLICATE TITLE**

- (a) A lienholder applying for a duplicate certificate of title shall have the owner sign the application.
- (b) When a certificate of title is lost after the release of a lien, the lienholder's affidavit that the lien has been satisfied shall accompany the owner's application for a duplicate certificate of title or for an electronic lienholder, the lienholder shall request the lien be released electronically. A paper lien release shall not be accepted on an electronic lien.
- (c) A duplicate certificate of title takes precedence over the original unless a false statement made in the application invalidates the duplicate.
- (d) If the original certificate of title is lost after being endorsed, the purchaser shall submit notarized affidavits tracing the chain of ownership from the registered owner to the present owner and any lien cancellations involved along with his or her application for a duplicate certificate of title.
- (e) If the original certificate of title is lost and the vehicle has been sold or traded, the owner shall apply for a duplicate certificate of title and assign to the purchaser on the application. The Division shall not issue a duplicate certificate of title until 15 days after the receipt of the application.

*History Note: Authority G.S. 20-1; 20-39; 20-68; 20-54;  
Eff. March 1, 1982;  
Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0236 PENALTY FOR FAILURE  
TOMAKE TRANSFER WITHIN 28 DAYS**

*History Note: Authority G.S. 20-1; 20-39; 20-73; 20-77;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993; November 1, 1991;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0403 VAN POOL LICENSE PLATE**

*History Note: Authority G.S. 20-39; 20-87; 20-88.1;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1984; February 1, 1982;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0404 ORIGINAL REGISTRATION;  
STAGGERED REGISTRATION SYSTEM**

*History Note: Authority G.S. 20-39; 20-50; 20-66;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0414 APPLICATION FOR LICENSE**

*History Note: Authority G.S. 20-39; 20-50; 20-66; 20-79;  
20-81.7; 20-83; 20-86.1;  
Eff. March 1, 1982;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0419 GOLF CARTS**

*History Note: Authority G.S. 20-4.01; 20-39; 20-87; 20-88.1;  
Eff. March 1, 1982;  
Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0420 HANDICAPPED PLACARD**

Handicapped persons who do not own an automobile may be issued distinguishing placards for a fee of five dollars (\$5.00). If the handicapped placard is lost or stolen, a fee of five dollars (\$5.00) shall be required for replacement.

*History Note: Authority G.S. 20-37.6(c);  
Eff. March 1, 1982;  
Amended Eff. December 1, 1994; December 1, 1993;  
Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0421 VEHICLES USED FOR  
PASSENGER AND PROPERTY CARRYING**

The property carrying registration fee applies to the following vehicles when used to transport property:

- (1) vehicles designed by the manufacturer as utility sedans, couriers, coupe-pickups, sedan delivery, and carpenters;
- (2) station wagons and multi-purpose vehicles with the seat removed; and
- (3) passenger cars with interiors so constructed or altered as to permit the transportation of property.

*History Note: Authority G.S. 20-39; 20-87; 20-88;  
Eff. March 1, 1982;  
Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0424 TRUCKS AND TRUCK  
TRACTORS (PRIVATE PROPERTY CARRYING)**

Wrecker vehicles used to transport property and move disabled vehicles, or used to move vehicles that are not disabled, shall be classed as trucks and licensed as property carrying vehicles.

*History Note: Authority G.S. 20-39; 20-79; 20-84; 20-88;  
20-118;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;*



*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0425 SPECIAL MOBILE EQUIPMENT**

(a) The special mobile equipment license affidavit MVR-295 shall accompany each application for title and include the following:

- (1) Vehicle Information including year, make, body style, model, VIN number;
- (2) Owner information including owner name and ID or North Carolina Driver License number, address, tax county and insurance information; and
- (3) Must be Notarized.

(b) If the vehicle is from a state having no registration requirements, bills of sale from at least the last two owners shall be required. The bill of sale to the current owner shall be notarized. If there is only one prior owner, one bill of sale shall be required. If no bill of sale can be provided, an indemnity bond shall be required.

*History Note: Authority G.S. 20-39; 20-87(10); 20-88; Eff. March 1, 1982; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0426 TEMPORARY REGISTRATION PLATE**

When a temporary license plate is issued on a property carrying vehicle, the registration is valid only for the empty weight of the vehicle. If the vehicle is found to be carrying property, the regular license plate fee shall be retroactively assessed as of the time of the application of the temporary license plate.

*History Note: Authority G.S. 20-39; 20-50; Eff. March 1, 1982; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0428 APPLICATION FOR REPLACEMENT LICENSE OR VALIDATION STICKERS**

To be issued a replacement license plate or validation sticker, the owner must certify that he or she has liability insurance pursuant to G.S. 20-109.

*History Note: Authority G.S. 20-39; 20-64; 20-66; 20-68; 20-109; Eff. March 1, 1982; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0429 LICENSE PLATE TRANSFER**

*History Note: Authority G.S. 20-39; 20-42; 20-64; 20-65; 20-66; Eff. March 1, 1982; Amended Eff. December 1, 1993; Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0432 TRANSPORTER'S REGISTRATION**

An application for transporter registration shall include valid insurance information and all other requirements as noted on MVR-16A. Form MVR-16A shall include the following:

- (1) the vehicle owner's driver's license number, name, address, and telephone number;
- (2) the vehicle owner's insurance information;
- (3) the vehicle owner's license plate number;
- (4) if a North Carolina dealer, the NC Dealer number shall be required or the name of the customer's repair facility.

*History Note: Authority G.S. 20-39; 20-79.2; Eff. March 1, 1982; Amended Eff. October 1, 1984; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0433 DRIVEAWAY REGISTRATION**

Prior to the issuance of driveaway plates, a driveaway company shall obtain and maintain insurance that would cover any new vehicle being operated by the company.

*History Note: Authority G.S. 20-39; 20-87(8); Eff. March 1, 1982; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0436 HIGHWAY USE TAX**

*History Note: Authority G.S. 20-39; 105-187.3; Eff. November 1, 1991; Amended Eff. January 1, 1994; Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0501 FOR HIRE OPERATIONS**

A carrier seeking a for-hire license shall meet any applicable requirements of city boards in accordance with G.S. 160A-304, the North Carolina Utilities Commission in accordance with G.S. 62-260, and the Unified Carrier Registration Agreement and the International Registration Plan prior to the issuance of a license.

*History Note: Authority G.S. 20-4.01; 20-39; 20-44; 20-50; 20-86; 20-87; 20-88; 20-382; Eff. July 1, 1978; Amended Eff. March 1, 1982; Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0520 FOR HIRE OPERATIONS DEFINED**

*History Note: Authority G.S. 20-4.01; 20-39; 62-3; 62-276; Eff. March 1, 1982; Amended Eff. December 1, 1993; Repealed Eff. June 1, 2021.*

**19A NCAC 03C .0521 TAXICAB**

(a) Taxis operating more than five miles outside an incorporated city or town shall certify via affidavit on form MVR-320 that they

are outside the corporate limits and are exempt from local requirements.

(b) Form MVR-320 shall include the following:

- (1) the year, make, body style, and VIN number of the vehicle;
- (2) the principal operator of the vehicle;
- (3) the acknowledgment that the applicant will not travel within five miles of a city limit or are required to obtain a certificate of convenience and necessity from the city; and
- (4) an attestation under oath before a notary that the information on the application is true and also a complete affidavit of the applicant.

*History Note:* Authority G.S. 20-4.01; 20-37; 20-39; 20-86; 20-87;

*Eff. March 1, 1982;*

*Amended Eff. December 1, 1993;*

*Readopted Eff. June 1, 2021.*

**19A NCAC 03E .0401 GENERAL INFORMATION**

(a) Apportionable vehicles used or intended for use in two or more jurisdictions that allocate or proportionally register vehicles for the transportation of persons or property, shall be registered in accordance with the provisions of the International Registration Plan. The International Registration Plan is hereby incorporated by reference, including subsequent amendments and editions, which can be found at no cost at the Division's International Registration Plan offices in Charlotte or Raleigh, and online at <https://www.ncdot.gov/dmv/programs/commercial-trucking/Pages/default.aspx>.

(b) The term "Apportionable Vehicle" as used in this Rule means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, used, or intended for use, in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained for the transportation of property and:

- (1) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds;
- (2) is a power unit having three or more axles regardless of weight; or
- (3) is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

(c) Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.

(d) The Raleigh and Charlotte offices of the North Carolina Division of Motor Vehicles shall register vehicles under the International Registration Plan. Registrants or other interested persons shall obtain the International Registration Plan manual and the application schedule forms from:

- (1) North Carolina Division of Motor Vehicles  
I.R.P. Section  
1425 Rock Quarry Road

Suite 100

Raleigh, North Carolina 27610; or

(2) North Carolina Division of Motor Vehicles

I.R.P. Unit

6016 Brookshire Blvd.

Charlotte, North Carolina 28216.

(e) The principles for implementation of this registration reciprocity agreement among states of the United States and provinces of Canada shall be found in the most recent publication of the International Registration Plan Policies and Procedures Manual, the Uniform Operation Audit Procedures Guidelines and the North Carolina Department of Transportation, Division of Motor Vehicles International Registration Plan Manual.

(f) The forms for the International Registration Plan and rental vehicles shall be obtained from the International Registration Plan Section (IRP) of the Division of Motor Vehicles, Raleigh, North Carolina.

*History Note:* Authority G.S. 20-86.1; 20-91;

*Eff. July 1, 1983;*

*Amended Eff. April 30, 1997; December 1, 1993; November 1, 1991;*

*Readopted Eff. June 1, 2021.*

**19A NCAC 03F .0602 ADMINISTRATIVE FINANCIAL RESPONSIBILITY HEARINGS**

(a) Any person who has received notice of a driver's license suspension due to an motor vehicle accident for failure to file proof of financial responsibility may request a hearing.

(b) Request for a hearing shall be made in writing to the Division within 15 days from the date shown on the proposed suspension order.

(c) The receipt of a request for hearing shall extend the original effective date of the suspension order for 30 days or until the hearing is held, whichever is later.

(d) The petitioner shall furnish the Division with a statement of the circumstances of the accident in which his or her vehicle was involved, grounds relied upon to exonerate him or her from suspension, and a certified copy of any traffic court judgment related to the accident. This information shall be received at the Division at least five days prior to the date fixed for hearing.

(e) If the hearing officer establishes that liability insurance was in effect on the date of the accident, or that the petitioner has assumed financial responsibility for the damages in the accident, the officer shall rescind the Division's prior notice of revocation.

*History Note:* Authority G.S. 20-39; 20-279.2; 20-279.5;

*Eff. November 1, 1991;*

*Amended Eff. December 1, 1993;*

*Readopted Eff. June 1, 2021.*

**19A NCAC 03G .0208 TRANSFER OF CERTIFICATION**

Certification as a school bus driver may be transferred from any part of this State to any other if all records compiled by the School Bus and Traffic Safety Representative in the former district for which the driver drove shall be forwarded to the School Bus and Traffic Safety Representative in the new district.

*History Note:* Authority G.S. 20-39(b); 20-218;  
*Eff. April 1, 1989;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03G .0212 DATE OF CANCELLATION**

*History Note:* Authority G.S. 20-39(b); 20-218;  
*Eff. April 1, 1989;*  
*Amended Eff. December 1, 1993;*  
*Repealed Eff. June 1, 2021.*

**19A NCAC 03G .0301 DRIVER EDUCATION PERMIT**

The student's vision and physical condition shall be checked by a representative of the Division or medical personnel and the results recorded on the permit. The restricted instruction permit shall be signed by a representative of the Division.

*History Note:* Authority G.S. 20-7(m); 20-39;  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03I .0303 CLASSROOM FACILITY**

In order for a commercial driving school to obtain and maintain a license, the school shall conduct classwork in a facility approved by the Division of Motor Vehicles. The classroom facility shall meet the following requirements:

- (1) not less than 120 square feet, which includes at least 70 square feet for the instructor and his or her equipment and 12 square feet for each student;
- (2) lighting, heating, and ventilation systems that are in compliance with all State and local laws and ordinances including zoning, public health, safety, and sanitation;
- (3) seats and writing surfaces for all students; presentations visible from all seats; charts, diagrams, mock-ups, and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; lesson materials to reflect current motor vehicle laws for each student; and
- (4) restroom facilities for the class size.

*History Note:* Authority G.S. 20-322;  
*Eff. July 2, 1979;*  
*Amended Eff. December 1, 1993; November 1, 1991; April 1, 1989; June 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03I .0402 REGISTRATION: INSURANCE: INSPECTION**

(a) Each vehicle used by the school shall be insured by a company licensed to do business in North Carolina against liability in the amount of at least fifty thousand dollars (\$50,000) because of injury to or destruction of property of others in any one accident,

one hundred thousand dollars (\$100,000) because of bodily injury to or death of one person in any one accident, and three hundred thousand dollars (\$300,000) because of bodily injury to or death of two or more persons in any one accident. This insurance coverage shall be secured on an annual basis. In the event coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least 10 days prior to the expiration date of the coverage. A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished upon 15 days prior written notice to the Division by the insurance underwriter.

(b) Each vehicle used by a school shall be listed and inspected in the manner prescribed by Rule .0401 of this Section. Each vehicle shall be inspected and approved by a representative of the Division before it is used and then annually.

*History Note:* Authority G.S. 20-321; 20-322;  
*Eff. July 2, 1979;*  
*Amended Eff. August 1, 2000; May 1, 1987;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03I .0501 REQUIREMENTS**

(a) Each instructor of a commercial driver training school or branch shall:

- (1) have four years or more of experience as a licensed operator of a motor vehicle;
- (2) not be denied on the basis of criminal record in accordance with if they have been convicted of a felony in the 10 years preceding the date of application;
- (3) not have had a revocation or suspension of his driver's license in the five years preceding the date of application;
- (4) have graduated from high school or hold a high school equivalency certificate;
- (5) not have had convictions for moving violations totaling five or more points in the three years preceding the date of application;
- (6) have completed the 80-contact-hour, community-college course for driver education teachers; an equivalent course approved by the Commissioner, or an Instructor Training Program conducted by an licensed Commercial Driver Training School within four years prior to application;
- (7) complete the written test administered by a School Bus and Traffic Safety representative; (Allowed only one retest)
- (8) complete the Miller Road Test given by a School Bus and Traffic Safety representative; (Allowed only one retest)
- (9) be issued an instructor's learning permit, valid for a three month probationary period;
- (10) submit a criminal background check from the Clerk of Court for each county of residence for the past 10 years;

- (11) be observed, evaluated, and recommended by a School Bus and Traffic Safety representative within the three month probationary period; and
- (12) be exempt from the 80-contact-hour basic course, Miller Road Test, and the probationary period if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the State Board of Education and if he or she completes the written Commercial Driver Education exam with a score of 80 or above, and if the test is administered by a School Bus and Traffic Safety representative. The applicant is allowed only one retest.

(b) An applicant will be issued an instructor's learner's permit which will be valid for three months. To be eligible for an instructor's learner's permit, the applicant shall meet requirements in Subparagraphs (a)(1) through (10) of this Rule and shall:

- (1) submit an Instructor Application with a sixteen dollar (\$16.00) application fee, copy of high school diploma or high school equivalency certificate, and physical examination form;
- (2) conduct two hours of classroom instruction within the three-month probationary period, while being observed and evaluated by a School Bus and Traffic Safety representative, if the instructor wants to be licensed as a classroom instructor;
- (3) conduct two hours of behind the wheel instruction within the three-month probationary period, while being observed and evaluated by a School Bus and Traffic Safety representative, if the instructor wants to be licensed for behind the wheel instruction;
- (4) be recommended by a School Bus and Traffic Safety representative to receive an instructor's license;
- (5) be exempt from Subparagraphs (b)(2), (3), and (4) of this Rule if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the State Board of Education.

(c) An instructor at an approved commercial driver training school may apply for an Instructor Trainer license. The Instructor Trainer shall:

- (1) have five consecutive years as an active licensed instructor;
- (2) submit an application for Instructor Trainer License;
- (3) complete two hours of classroom observation by a School Bus and Traffic Safety representative while training instructors, not driver education students;
- (4) complete two hours of behind-the-wheel observation by a School Bus and Traffic Safety representative while training instructors, not driver education students;

- (5) complete the written test administered by a School Bus and Traffic Safety Representative; (Allowed only one retest)
- (6) complete the Miller Road Test given by a School Bus and Traffic Safety Representative; (Allowed only one retest)
- (7) be recommended by a School Bus and Traffic Safety representative; and
- (8) shall renew instructor trainer license every other year, in conjunction with school renewal.

(d) Each application for a commercial driver training instructor shall consist of:

- (1) SBTS-612 (application for instructor license) shall be completed and signed by the applicant;
- (2) SBTS-602 (physical exam report) shall be completed and signed by a licensed physician;
- (3) satisfactory evidence of high school graduation or equivalency;
- (4) evidence of completion of NCDMV 80-hour basic driver education instructor course or equivalent;
- (5) a driver license record check for the previous three years if applicant has other than a North Carolina driver license or local background check for all counties they have resided in for the last 10 years for North Carolina residents; or
- (6) a check or money order in the amount of sixteen dollars (\$16.00).

*History Note: Authority G.S. 20-33; 20-322; 20-323; 20-324; Eff. July 2, 1979;  
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1994;  
December 1, 1993; November 1, 1991; September 1, 1990;  
Readopted Eff. June 1, 2021.*

#### **19A NCAC 03J .0201 REQUIREMENTS**

(a) The Division shall not issue a commercial truck driver training school license to any individual, partnership, group, association, or corporation unless:

- (1) The individual, partnership, group, association, or corporation has at least one motor vehicle registered or leased in the name of the school, which vehicle has been inspected by a representative of the Division and vehicle insurance certified as required by this Subchapter for use by the school for driver training purposes and driver instruction.
- (2) The individual, partnership, group, association, or corporation has at least one person licensed by the Division as a commercial truck driver training instructor for that school.
- (3) Each manager or owner-operator of a commercial truck driver training school or branch shall:
  - (A) be subject to an evaluation of any existing criminal record in accordance with G.S. 93B-8.1(b1);
  - (B) be at least 18 years of age; and

- (C) not have had a revocation or suspension of his or her classified license in the two years preceding the date of application.
- (4) In the case of a foreign commercial truck driver training school, recruiting in North Carolina, the school submits the following items to the Division:
  - (A) a copy of the school's license;
  - (B) a course description, including topics taught and the length of the course;
  - (C) a list of equipment available for training;
  - (D) a copy of the contract complete with the fee charged; and
  - (E) the names of the persons who represent the school in North Carolina; provided, Subparagraphs (a)(1) and (a)(4)(C) of this Rule shall not apply to schools offering seminar training only.

(b) All commercial truck driver training schools licensed and recruiting in North Carolina shall submit to the Division a surety bond in the amount of thirty thousand dollars (\$30,000) for schools offering courses of instruction of 160 hours or more and ten thousand dollars (\$10,000) for schools offering seminar training only.

*History Note:* Authority G.S. 20-37.13(b); 20-321; 20-322; 20-323; 93B-8.1(b1);  
*Eff. May 1, 1987;*  
*Amended Eff. August 1, 2002; January 1, 1994; February 1, 1991;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03J .0204 DUPLICATE COPIES**

All applications, either original or renewal, for a commercial driver training school or branch shall be completed in duplicate. The original copy of each form shall be submitted to the Enforcement Commercial Driver License (CDL) Compliance Section of the Division of Motor Vehicles, 1417 North Church Street, Rocky Mount, North Carolina 27804-3117. A copy of each form shall be filed at the place of business.

*History Note:* Authority G.S. 20-321; 20-324;  
*Eff. May 1, 1987;*  
*Amended Eff. August 1, 2002; February 1, 1991;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03J .0303 CLASSROOM FACILITY**

The classroom facility shall meet the following minimum requirements:

- (1) An overall size of 120 square feet, including at least 70 square feet for the instructor and his or her equipment and 12 square feet for each student.
- (2) Lighting, heating, and ventilation systems that are in compliance with all State and local laws and ordinances including zoning, public health, safety, and sanitation.

- (3) Seats and writing surfaces for all students; blackboards or whiteboards visible from all seats; charts, diagrams, mock-ups, and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; and other textbooks deemed necessary by the instructor.
- (4) Restroom facilities shall be provided.
- (5) Covered shelter shall be provided for students when on the field range to protect them from the weather when not driving.
- (6) Seminar only courses shall provide seats and writing surfaces for all students and printed instructional materials deemed necessary by the instructor. Seminars shall be conducted at any location meeting the requirements in this Rule provided prior notice is given to and approval is given by the Commercial Driver License (CDL) Compliance Section.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-328;  
*Eff. May 1, 1987;*  
*Amended Eff. January 1, 1994; February 1, 1991;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03J .0305 INSPECTIONS**

The Division shall make periodic inspections, at least annually, of schools and branches to determine compliance with statutes and rules. The inspection shall be made during business hours by authorized representatives of the Division. Inspections shall include examination of all school records, contracts, classroom facilities, training devices, instructional materials and instructional methods, vehicles, and any other item required by law or regulation. Each owner, partner, associate, corporate officer, or employee of any commercial driver training school shall cooperate with the Division's representative and, upon request, shall exhibit all records, instructional aids, equipment, and any other items which are required for the inspection. Refusal to permit inspections shall be grounds for revocation of the license. Records shall be retained by the school for a period of three years.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; 20-325; 20-327;  
*Eff. May 1, 1987;*  
*Amended Eff. August 1, 2002; January 1, 1994;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03J .0306 COURSE OF INSTRUCTION**

(a) The commercial truck driving course to be taken by licensed persons who are 18 years old or older shall meet the following requirements:

- (1) Minimum hours of instruction:
  - (A) classroom instruction, including testing 50 hours
  - (B) field instruction 50 hours

- (C) highway behind-the-wheel training 20 hours
- (D) observation (highway behind-the-wheel) 40 hours
- Total - 160 hours

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is used.

- (2) Content of classroom and behind-the-wheel instruction:
  - (A) laws relating to interstate and intrastate operations;
  - (B) pre-trip inspection;
  - (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
  - (D) placing the vehicle in operation;
  - (E) use of the vehicle's controls and emergency equipment;
  - (F) operation in inner-city and interstate highway traffic and passing;
  - (G) turning the vehicle;
  - (H) braking and slowing the vehicle by means other than applying the brakes;
  - (I) backing and parking the vehicle;
  - (J) experience operating property hauling vehicles with a minimum gross vehicle weight of 49,000 pounds or experience operating passenger motor coach vehicles having a minimum capacity of 46 persons; and
  - (K) completing driver's daily log books.
- (3) Other requirements include:
  - (A) the 160 hours of instructions required by this Rule shall be completed in no less than four calendar weeks;
  - (B) three hours of the 20 hours of behind-the-wheel highway training shall be completed by each student between dusk and dawn;
  - (C) one vehicle shall be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students per vehicle and no more than four vehicles per instructor shall be allowed for field training; and
  - (D) a Driver's Daily Log shall be kept for each student to reflect the 160 hours of instruction.

(b) Credit for prior instruction or training given by another agency or school may be granted. Such credit may be granted by the school to which the candidate is applying if the prior instruction or training is equivalent to the corresponding part or

parts of the course required by this Rule for commercial truck driving course and if such credit is confirmed and authorized as equivalent by the Enforcement Section of the Division.

(c) In addition to the course requirements of Paragraph (a) of this Rule, schools may offer a "Refresher Course" which shall meet the following requirements:

- (1) Minimum hours of instruction shall total 80 hours as follows:
  - (A) Classroom instruction, labs, and testing 25 hours
  - (B) Field instruction 25 hours
  - (C) Highway behind the wheel training 10 hours
  - (D) Observation (highway behind-the-wheel) 20 hours
  - Total - 80 hours

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is used.

- (2) Content of Classroom and behind the wheel instruction shall be as follows:
  - (A) laws relating to interstate and intrastate operations;
  - (B) pre-trip inspection;
  - (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
  - (D) placing the vehicle in operation;
  - (E) use of the vehicle's controls and emergency equipment;
  - (F) operation in inner-city and interstate highway traffic and passing;
  - (G) turning the vehicle;
  - (H) braking and slowing the vehicle by means other than applying the brakes;
  - (I) backing and parking the vehicle;
  - (J) experience operating property hauling vehicles with a minimum gross weight of 49,000 pounds or experience operating passenger motor coach vehicles having a minimum capacity of 46 passengers; and
  - (K) completing driver's daily log books.
- (3) Other requirements are as follows:
  - (A) the 80 hours of instruction required by this Rule shall be completed in no less than two calendar weeks;
  - (B) two hours of the 10 hours behind the wheel highway training shall be completed by each student between dusk and dawn;
  - (C) one vehicle shall be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved for such use by the Division. The Division shall approve the vehicle if it determines the

- vehicle will seat four people. No more than four students shall be allowed per vehicle for field training; and;
- (D) a drivers log shall be kept for each student to reflect the 80 hours of instruction.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; Eff. May 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1998; April 1, 1997; January 1, 1994; May 1, 1990;  
Readopted Eff. June 1, 2021.

**19A NCAC 03J .0307 STUDENT REQUIREMENTS**

The owners or officers of the school shall inform students 18 years of age or older but less than 21 years of age of the age restrictions as set forth in 49 CFR Part 391.11 and limitations established by the United States Department of Transportation Federal Motor Carrier Safety Administration and G.S. 20-37.13.

*History Note:* Authority G.S. 20-37; 20-321; 20-323; 20-328; Eff. May 1, 1987;  
Amended Eff. April 1, 1997; January 1, 1994; May 1, 1990;  
Readopted Eff. June 1, 2021.

**19A NCAC 03J .0402 REGISTRATION: INSURANCE: INSPECTION**

(a) Each vehicle used by the school on the highway shall be titled and registered as required by G.S. 20-52 and bear a current inspection certificate. Each yard vehicle used by the school shall be titled as required by G.S. 20-52.

(b) Each vehicle used by the school shall be insured by a company licensed to do business in North Carolina against liability in the amount of at least twenty five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident, fifty thousand dollars (\$50,000) because of bodily injury to or death of one person in any one accident, and one hundred thousand dollars (\$100,000) because of bodily injury to or death of two or more persons in any one accident. This insurance coverage shall be secured on an annual basis. In the event coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least 10 days prior to the expiration date of the coverage. A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished upon 15 days prior written notice to the Division by the insurance underwriter.

(c) Each vehicle used by a school shall be listed and inspected in the manner prescribed in 49 CFR 396. In addition, each vehicle shall be inspected to meet the requirements of Rule .0401 of this Section and approved by a representative of the Division before it is used. Each vehicle shall be inspected and approved by a representative of the Division annually and at any other time.

*History Note:* Authority G.S. 20-37.22; 20-51(15)(a); 20-321; Eff. May 1, 1987;  
Amended Eff. August 1, 2002;  
Readopted Eff. June 1, 2021.

**19A NCAC 03J .0601 REQUIREMENTS**

Students taking a refresher course or a course of 160 hours or more shall contract with a commercial truck driver training school. The contract shall contain the following information:

- (1) The agreed total contract charges and full terms of payment thereof.
- (2) The number, nature, time, and extent of lessons contracted for, including:
  - (a) minimum hours of instruction as required in Rule .0306 of this Subchapter; and
  - (b) rate for use of school vehicle for a driver's license road test, if an extra charge is made.
- (3) A statement which reads as follows: This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein shall bind neither the school nor the student.
- (4) A statement which reads as follows: This school is licensed by the State of North Carolina, Division of Motor Vehicles.
- (5) A statement which reads as follows: If you, as a student, are unable to settle a dispute with the school, please direct your grievances to the North Carolina Division of Motor Vehicles, Commercial Driver License (CDL) Compliance Section, 1417 North Church Street, Rocky Mount, North Carolina 27804-0001.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; Eff. May 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1998; January 1, 1994; February 1, 1991; May 1, 1990;  
Readopted Eff. June 1, 2021.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

**21 NCAC 16J .0101 PREMISES**

(a) The premises of a dental facility shall be kept free of rubbish and any substances that create a 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 shall be piped under 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 comply with applicable local plumbing 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 accordance with 15A NCAC 18A .1300 and 15A NCAC 18C.

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

(h) No animals shall be allowed in any area of a dental office where clinical work is being performed, except service animals in accordance with G.S. 168-4.2 and the Americans with Disabilities Act, or certified facility dogs. For purposes of this Rule, a "certified facility dog" shall be defined as a dog that is trained and certified by a program that is accredited by or a member of Assistance Dogs International, Animal Assisted Intervention International, or a similar organization whose purpose is to promote standards of training, placement, and utilization of assistance dogs (an "assistance dog program"). While in the dental office, the facility dog shall be handled by a dentist, dental hygienist, dental assistant, or other employee designated by the dentist who is trained and certified by an assistance dog program.

(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.

*History Note:* Authority G.S. 90-41(a)(23); 90-48;  
 Eff. September 3, 1976;

*Readopted Eff. September 26, 1977;*

*Amended Eff. April 1, 2015; May 1, 1989;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **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.

(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.

*History Note:* Authority G.S. 90-41(a)(23); 90-48; 90-233(a5);

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. February 1, 2008; May 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

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## **CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

### **21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS**

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

(b) A licensee may carry over up to two surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. The licensee shall demonstrate that he or she earned the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year and not beyond.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.



(d) The Board shall waive the continuing education requirements in this Rule for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

(e) For the 2020-21, 2021-22, 2022-23, and 2023-24 licensure years only, the Board waives the in-person course requirements of Paragraph (a) of this Rule and licensees may take all of their CEUs for those licensure years electronically. However, this waiver shall not apply to any surplus CEUs earned during the 2023-24 licensure year and sought by the licensee to be carried over to the 2024-25 licensure year.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15; Eff. March 21, 2005;*  
*Amended Eff. May 1, 2011; August 1, 2007;*  
*Readopted Eff. June 1, 2018;*  
*Temporary Amendment Eff. June 26, 2020;*  
*Temporary Amendment Expired Eff. April 11, 2021;*  
*Amended Eff. July 1, 2021.*

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## **CHAPTER 28 - LANDSCAPE CONTRACTORS' LICENSING BOARD**

### **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:           | \$100.00;     |
| (4)  | Corporate license fee:            | \$100.00;     |
| (5)  | License renewal:                  | \$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.

*History Note: Authority G.S. 89D-15(2); 89D-15(10); 89D-21;*  
*Temporary Adoption Eff. January 1, 2016;*  
*Eff. September 1, 2016;*  
*Amended Eff. June 1, 2021, June 1, 2019.*

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## **CHAPTER 32 - MEDICAL BOARD**

### **21 NCAC 32M .0101 DEFINITIONS**

The following definitions apply to this Subchapter:

- (1) "Approval to Practice" means authorization by the Joint Subcommittee of the Medical Board and the Board of Nursing for a nurse practitioner to practice within her or his area of educational preparation and certification under a collaborative practice agreement with a physician licensed by the Medical Board in accordance with this Subchapter.
- (2) "Back-up Supervising Physician" means a physician licensed by the Medical Board who, by signing an agreement with the nurse practitioner and the primary supervising physician(s), shall provide supervision, collaboration, consultation, and evaluation of medical acts by the nurse practitioner in accordance with the collaborative practice agreement when the primary supervising physician is not available. Back-up supervision shall be in compliance with the following:
  - (a) The signed and dated agreements for each back-up supervising physician(s) shall be maintained at each practice site.
  - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up supervising physician.
  - (c) A fully licensed physician in a graduate medical education program who is also practicing in a non-training situation and has a signed collaborative practice agreement with the nurse practitioner and the primary supervising physician may be a back-up supervising physician for a nurse practitioner in the non-training situation.
- (3) "Board" means the North Carolina Board of Nursing.
- (4) "Collaborative practice agreement" means the arrangement for nurse practitioner-physician that provides for the continuous availability to each other for ongoing supervision, consultation, collaboration, referral, and evaluation of care provided by the nurse practitioner.
- (5) "Emergency" means a state of emergency as defined in G.S. 166A-19.3 and proclaimed by the Governor or by the General Assembly.
- (6) "Joint Subcommittee" means the subcommittee composed of members of the Board and members of the Medical Board to whom responsibility is given by G.S. 90-8.2 and G.S. 90-171.23(b)(14) to develop rules to govern the performance of medical acts by nurse practitioners in North Carolina.

- (7) "Medical Board" means the North Carolina Medical Board.
- (8) "National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice:
  - (a) American Nurses Credentialing Center (ANCC);
  - (b) American Academy of Nurse Practitioners National Certification Board (AANPNCB);
  - (c) American Association of Critical Care Nurses Certification Corporation (AACN);
  - (d) National Certification Corporation of the Obstetric, Gynecologic and Neonatal Nursing Specialties (NCC); and
  - (e) the Pediatric Nursing Certification Board (PNCB).
- (9) "Nurse Practitioner" or "NP" means a registered nurse who holds an active unencumbered license approved to practice consistent with the nurse's area of nurse practitioner academic educational preparation and national certification under an agreement with a physician licensed by the Medical Board for ongoing supervision, consultation, collaboration, and evaluation of medical acts performed. Such medical acts are in addition to those nursing acts performed by virtue of registered nurse (RN) licensure. The NP is held accountable under the RN license for those nursing acts that he or she may perform.
- (10) "Primary Supervising Physician" means a physician with an active unencumbered license with the Medical Board who shall provide ongoing supervision, collaboration, consultation, and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following:
  - (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform those medical acts described in the collaborative practice agreement.
  - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician.
  - (c) A fully licensed physician in a graduate medical education program who is also practicing in a non-training situation may supervise a nurse practitioner in the non-training situation.

- (11) "Registration" means authorization for a registered nurse to use the title nurse practitioner in accordance with this Subchapter.
- (12) "Supervision" means the physician's function of overseeing medical acts performed by the nurse practitioner.
- (13) "Volunteer Approval" means approval to practice consistent with this Subchapter except without expectation of direct or indirect compensation or payment (monetary, in kind, or otherwise) to the nurse practitioner.

*History Note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-8.2; 90-18(c)(14); 90-18.2; Eff. January 1, 1991; Amended Eff. September 1, 2012; December 1, 2009; December 1, 2006; August 1, 2004; May 1, 1999; January 1, 1996; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. June 1, 2021.*

## **21 NCAC 32M .0102 SCOPE OF PRACTICE**

The nurse practitioner's scope of practice is defined by academic educational preparation and national certification and maintained competence. A nurse practitioner shall be held accountable by both Boards for a broad range of personal health services managing patient care for which the nurse practitioner is educationally prepared and for which competency has been maintained, with physician supervision and collaboration as described in Rule .0110 of this Subchapter. These services include:

- (1) promotion and maintenance of health;
- (2) prevention of illness and disability;
- (3) diagnosing, treating, and managing acute and chronic illnesses;
- (4) guidance and counseling for both individuals and families;
- (5) prescribing, administering, and dispensing therapeutic measures, tests, procedures, and drugs;
- (6) planning for situations beyond the nurse practitioner's scope of practice and expertise by consulting with and referring to other health care providers as appropriate; and
- (7) evaluating health outcomes.

*History Note: Authority G.S. 90-5.1(a)(3); 90-18(c)(14); 90-18.2; Eff. January 1, 1991; Amended Eff. August 1, 2004; May 1, 1999; January 1, 1996; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. June 1, 2021.*

## **21 NCAC 32M .0103 NURSE PRACTITIONER REGISTRATION**

- (a) The Board shall register an applicant as a nurse practitioner who:

- (1) has an active unencumbered license or privilege to practice as a registered nurse in North Carolina or compact state and, when applicable, an active unencumbered approval, registration, or license as a nurse practitioner in another state, territory, or possession of the United States;
- (2) has completed a nurse practitioner education program as outlined in Rule .0105 of this Subchapter;
- (3) is certified as a nurse practitioner by a national credentialing body consistent with Rule .0101(8) of this Subchapter; and
- (4) has supplied additional information necessary to evaluate the application as requested by the Board on a case-by-case basis.

(b) Applicants who have graduated from a nurse practitioner program after January 1, 2005 who are seeking first-time nurse practitioner registration shall:

- (1) hold a Master's or higher degree in Nursing or related field with primary focus on Nursing;
- (2) have completed a graduate or post-graduate level nurse practitioner education program accredited by a national accrediting body; and
- (3) provide documentation of certification by a national credentialing body.

*History Note: Authority G.S. 90-5.1(a)(3); 90-18(c)(14); 90-18.2;*

*Eff. August 1, 2004;*

*Amended Eff. September 1, 2012; November 1, 2008; December 1, 2006;*

*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 32M .0105 EDUCATION AND CERTIFICATION REQUIREMENTS FOR REGISTRATION AND APPROVAL AS A NURSE PRACTITIONER**

(a) A nurse practitioner applicant seeking registration or first-time approval to practice after January 1, 2000, shall provide evidence of current certification as a nurse practitioner by a national credentialing body.

(b) A nurse practitioner applicant seeking registration or first-time approval to practice who completed a nurse practitioner education program prior to December 31, 1999 shall provide evidence of completion of a course of education that contains a core curriculum including 400 contact hours of didactic education and 400 contact hours of preceptorship or supervised clinical experience. The core curriculum shall contain the following components:

- (1) health assessment and diagnostic reasoning including:
  - (A) historical data;
  - (B) physical examination data;
  - (C) organization of data base;
- (2) pharmacology;
- (3) pathophysiology;

(4) clinical management of common health problems and diseases such as the following shall be included in the nurse practitioner's academic program:

- (A) respiratory system;
- (B) cardiovascular system;
- (C) gastrointestinal system;
- (D) genitourinary system;
- (E) integumentary system;
- (F) hematologic and immune systems;
- (G) endocrine system;
- (H) musculoskeletal system;
- (I) infectious diseases;
- (J) nervous system;
- (K) behavioral, mental health, and substance abuse problems;

(5) clinical preventative services, including health promotion and prevention of disease;

(6) client education related to Subparagraph (b)(4) and (5) of this Rule; and

(7) role development including legal, ethical, economical, health policy, and interdisciplinary collaboration issues.

(c) Nurse practitioner applicants exempt from components of the core curriculum requirements listed in Paragraph (b) of this Rule are:

- (1) Any nurse practitioner approved to practice in North Carolina prior to January 18, 1981, is permanently exempt from the core curriculum requirement.
- (2) A nurse practitioner certified by a national credentialing body prior to January 1, 1998, who also provides evidence of satisfying Subparagraphs (b)(1) – (3) of this Rule shall be exempt from core curriculum requirements in Sub-paragraphs (b)(4) – (7) of this Rule. Evidence of satisfying Subparagraphs (b)(1) – (3) of this Rule shall include:
  - (A) a narrative of course content; and
  - (B) contact hours.

*History Note: Authority G.S. 90-5.1(a)(3); 90-18(c)(14); Eff. January 1, 1991;*

*Recodified from 21 NCAC 32M .0005 Eff. January 1, 1996;*

*Amended Eff. May 1, 1999; January 1, 1996;*

*Recodified from 21 NCAC 32M .0104 Eff. August 1, 2004;*

*Amended Eff. December 1, 2009; December 1, 2006; August 1, 2004;*

*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 32M .0106 ANNUAL RENEWAL OF APPROVAL TO PRACTICE**

(a) Each registered nurse who is approved to practice as a nurse practitioner in this State shall annually renew each approval to practice with the Board no later than the last day of the nurse practitioner's birth month by:

- (1) Maintaining current North Carolina RN licensure or privilege to practice;
- (2) Maintaining certification as a nurse practitioner by a national credentialing body identified in Rule .0101(8) of this Subchapter;
- (3) Attesting to completion of continuing competence requirements, and submitting evidence of completion if requested by the Board, as specified in Rule .0107 of this Subchapter;
- (4) Submitting the fee required in Rule .0115 of this Subchapter; and
- (5) Completing the renewal application.

(b) If the nurse practitioner has not renewed by the last day of her or his birth month, the approval to practice as a nurse practitioner shall expire.

*History Note:* Authority G.S. 90-5.1(a)(3); 90-8.1; 90-8.2(a); 90-18(c)(14);  
*Eff. January 1, 1996;*  
*Amended Eff. August 1, 2004; May 1, 1999;*  
*Recodified from Rule .0105 Eff. August 1, 2004;*  
*Amended Eff. December 1, 2009; November 1, 2008;*  
*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;*  
*Amended Eff. June 1, 2021; March 1, 2017.*

**21 NCAC 32M .0107 CONTINUING EDUCATION (CE)**

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall maintain certification as a nurse practitioner by a national credentialing body identified in Rule .0101(8) of this Subchapter and earn 50 contact hours of continuing education each year, beginning with the first renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing population focus of the NP role for which approval has been granted by the American Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), other national credentialing bodies, or practice-relevant courses in an institution of higher learning.

(b) Every nurse practitioner who prescribes controlled substances shall complete at least one hour of the total required continuing education (CE) hours annually consisting of CE designed specifically to address controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CE that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for the purposes of this Rule.

(c) Documentation shall be maintained by the nurse practitioner for the previous five calendar years and made available upon request to either Board.

*History Note:* Authority G.S. 90-5.1(a)(3); 90-8.2; 90-18(c)(14); S.L. 2015-241, s. 12F;  
*Eff. January 1, 1996;*  
*Amended Eff. August 1, 2004; May 1, 1999;*  
*Recodified from Rule .0106 Eff. August 1, 2004;*  
*Amended Eff. December 1, 2009; April 1, 2008;*

*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;*  
*Amended Eff. June 1, 2021; March 1, 2017.*

**21 NCAC 32M .0108 INACTIVE STATUS**

(a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Board in writing.

(b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.

(c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice in Rules .0103(a)(1), .0104(a) and (b), .0107, and .0110 of this Subchapter and receive notification from the Board of approval prior to beginning practice after the application is approved.

(d) A nurse practitioner who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and management of these conditions directly related to the nurse practitioner's area of academic education and national certification. A nurse practitioner refresher course participant shall be granted an approval to practice that is limited to clinical activities required by the refresher course.

*History Note:* Authority G.S. 90-5.1(a)(3); 90-18(c)(14); 90-18.2; 90-171.36;  
*Eff. January 1, 1996;*  
*Amended Eff. November 1, 2013; January 1, 2013; December 1, 2009; December 1, 2006; August 1, 2004; May 1, 1999;*  
*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 32M .0110 QUALITY ASSURANCE STANDARDS FOR A COLLABORATIVE PRACTICE AGREEMENT**

The following are the quality assurance standards for a collaborative practice agreement:

- (1) Availability: The primary or back-up supervising physician(s) and the nurse practitioner shall be continuously available to each other for consultation by direct communication or telecommunication.
- (2) Collaborative Practice Agreement:
  - (a) shall be agreed upon, signed, and dated by both the primary supervising physician and the nurse practitioner, and maintained in each practice site;
  - (b) shall be reviewed at least yearly. This review shall be acknowledged by a dated signature sheet, signed by both the primary supervising physician and the nurse practitioner, appended to the collaborative practice agreement, and available for inspection by either Board;
  - (c) shall include the drugs, devices, medical treatments, tests, and

- procedures that may be prescribed, ordered, and performed by the nurse practitioner consistent with Rule .0109 of this Subchapter; and
  - (d) shall include a pre-determined plan for emergency services.
- (3) The nurse practitioner shall demonstrate the ability to perform medical acts as outlined in the collaborative practice agreement upon request by members or agents of either Board.
- (4) Quality Improvement Process:
  - (a) The primary supervising physician and the nurse practitioner shall develop a process for the ongoing review of the care provided in each practice site, including a written plan for evaluating the quality of care provided for one or more frequently encountered clinical problems.
  - (b) This plan shall include a description of the clinical problem(s), an evaluation of the current treatment interventions, and if needed, a plan for improving outcomes within an identified time frame.
  - (c) The quality improvement process shall include scheduled meetings between the primary supervising physician and the nurse practitioner for a minimum of every six months. Documentation for each meeting shall:
    - (i) identify clinical problems discussed, including progress toward improving outcomes as stated in Sub-Item (4)(b) of this Rule, and recommendations, if any, for changes in treatment plan(s);
    - (ii) be signed and dated by those who attended; and
    - (iii) be available for review by either Board for the previous five calendar years and be retained by both the nurse practitioner and primary supervising physician.
- (5) Nurse Practitioner-Physician Consultation. The following requirements establish the minimum standards for consultation between the nurse practitioner and primary supervising physician(s):
  - (a) During the first six months of a collaborative practice agreement between a nurse practitioner and the primary supervising physician, there shall be monthly meetings to discuss practice-relevant clinical issues and quality improvement measures.

- (b) Documentation of the meetings shall:
  - (i) identify clinical issues discussed and actions taken;
  - (ii) be signed and dated by those who attended; and
  - (iii) be available for review by either Board for the previous five calendar years and be retained by both the nurse practitioner and primary supervising physician.

*History Note Authority G.S. 90-5.1(a)(3); 90-8.1; 90-8.2; 90-18(c)(14); 90-18.2; 90-171.23(b)(14); Eff. January 1, 1991; Amended Eff. August 1, 2004; May 1, 1999; January 1, 1996; March 1, 1994; Recodified from Rule .0109 Eff. August 1, 2004; Amended Eff. December 1, 2009; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. June 1, 2021.*

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## CHAPTER 36 – BOARD OF NURSING

### 21 NCAC 36 .0801 DEFINITIONS

The following definitions apply to this Section:

- (1) "Approval to Practice" means authorization by the Joint Subcommittee of the Medical Board and the Board of Nursing for a nurse practitioner to practice within her or his area of educational preparation and certification under a collaborative practice agreement with a physician licensed by the Medical Board in accordance with this Section.
- (2) "Back-up Supervising Physician" means a physician licensed by the Medical Board who, by signing an agreement with the nurse practitioner and the primary supervising physician(s) shall provide supervision, collaboration, consultation, and evaluation of medical acts by the nurse practitioner in accordance with the collaborative practice agreement when the primary supervising physician is not available. Back-up supervision shall be in compliance with the following:
  - (a) The signed and dated agreements for each back-up supervising physician(s) shall be maintained at each practice site.
  - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up supervising physician.
  - (c) A fully licensed physician in a graduate medical education program

- who is also practicing in a non-training situation and has a signed collaborative practice agreement with the nurse practitioner and the primary supervising physician may be a back-up supervising physician for a nurse practitioner in the non-training situation.
- (3) "Board" means the North Carolina Board of Nursing.
  - (4) "Collaborative practice agreement" means the arrangement for nurse practitioner-physician that provides for the continuous availability to each other for ongoing supervision, consultation, collaboration, referral, and evaluation of care provided by the nurse practitioner.
  - (5) "Emergency" means a state of emergency as defined in G.S. 166A-19.3 and proclaimed by the Governor or by the General Assembly.
  - (6) "Joint Subcommittee" means the subcommittee composed of members of the Board and members of the Medical Board to whom responsibility is given by G.S. 90-8.2 and G.S. 90-171.23(b)(14) to develop rules to govern the performance of medical acts by nurse practitioners in North Carolina.
  - (7) "Medical Board" means the North Carolina Medical Board.
  - (8) "National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice:
    - (a) American Nurses Credentialing Center (ANCC);
    - (b) American Academy of Nurse Practitioners National Certification Board (AANPNCB);
    - (c) American Association of Critical Care Nurses Certification Corporation (AACN);
    - (d) National Certification Corporation of the Obstetric Gynecologic and Neonatal Nursing Specialties (NCC); and
    - (e) the Pediatric Nursing Certification Board (PNCB).
  - (9) "Nurse Practitioner" or "NP" means a registered nurse who holds an active unencumbered license approved to practice consistent with the nurse's area of nurse practitioner academic educational preparation and national certification under an agreement with a physician licensed by the Medical Board for ongoing supervision, consultation, collaboration, and evaluation of the medical acts performed. Such medical acts are in addition to those nursing acts performed by virtue of registered nurse (RN) licensure. The NP is held accountable under the RN license for those nursing acts that he or she may perform.
  - (10) "Primary Supervising Physician" means a physician with an active unencumbered license with the Medical Board who shall provide ongoing supervision, collaboration, consultation, and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following:
    - (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform those medical acts described in the collaborative practice agreement.
    - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician.
    - (c) A fully licensed physician in a graduate medical education program who is also practicing in a non-training situation may supervise a nurse practitioner in the non-training situation.
  - (11) "Registration" means authorization for a registered nurse to use the title nurse practitioner in accordance with this Section.
  - (12) "Supervision" means the physician's function of overseeing medical acts performed by the nurse practitioner.
  - (13) "Volunteer Approval" means approval to practice consistent with this Section except without expectation of direct or indirect compensation or payment (monetary, in kind, or otherwise) to the nurse practitioner.

*History Note: Authority G.S. 90-8.1; 90-8.2; 90-18(14); 90-18.2; 90-171.20(4); 90-171.23(b); 90-171.95B; Recodified from 21 NCAC 36 .0227(a) Eff. August 1, 2004; Amended Eff. September 1, 2012; December 1, 2009; December 1, 2006; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

#### **21 NCAC 36 .0802 SCOPE OF PRACTICE**

The nurse practitioner's scope of practice is defined by academic educational preparation and national certification and maintained competence. A nurse practitioner shall be held accountable by both Boards for a broad range of personal health services for which the nurse practitioner is educationally prepared and for which competency has been maintained, with physician supervision and collaboration as described in Rule .0810 of this Section. These services include:

- (1) promotion and maintenance of health;
- (2) prevention of illness and disability;

- (3) diagnosing, treating, and managing acute and chronic illnesses;
- (4) guidance and counseling for both individuals and families;
- (5) prescribing, administering, and dispensing therapeutic measures, tests, procedures, and drugs;
- (6) planning for situations beyond the nurse practitioner's scope of practice and expertise by consulting with and referring to other health care providers as appropriate; and
- (7) evaluating health outcomes.

*History Note: Authority G.S. 90-18(c)(14); 90-18.2; 90-171.23(b)(14);*

*Recodified from 21 NCAC 36 .0227(b) Eff. August 1, 2004;*

*Amended Eff. August 1, 2004;*

*Readopted Eff. January 1, 2019;*

*Amended Eff. June 1, 2021.*

**21 NCAC 36 .0805 NURSE PRACTITIONER  
REGISTRATION**

(a) The Board shall register an applicant as a nurse practitioner who:

- (1) has an active unencumbered license or privilege to practice as a registered nurse in North Carolina or compact state and, when applicable, an active unencumbered approval, registration, or license as a nurse practitioner in another state, territory, or possession of the United States;
- (2) has completed a nurse practitioner education program as outlined in Rule .0805 of this Section;
- (3) is certified as a nurse practitioner by a national credentialing body consistent with Rule .0801(8) of this Section; and
- (4) has supplied additional information necessary to evaluate the application as requested by the Board on a case-by-case basis.

(b) Applicants who have graduated from a nurse practitioner program after January 1, 2005 who are seeking first-time nurse practitioner registration shall:

- (1) hold a Master's or higher degree in Nursing or related field with primary focus on Nursing;
- (2) have completed a graduate or post-graduate level nurse practitioner education program accredited by a national accrediting body; and
- (3) provide documentation of certification by a national credentialing body.

*History Note: Authority G.S. 90-18(c)(14); 90-18.2; 90-171.23(b); 90-171.95B;*

*Eff. August 1, 2004;*

*Amended Eff. September 1, 2012; November 1, 2008; December 1, 2006;*

*Readopted Eff. January 1, 2019;*

*Amended Eff. June 1, 2021.*

**21 NCAC 36 .0805 EDUCATION AND  
CERTIFICATION REQUIREMENTS FOR  
REGISTRATION AND APPROVAL AS A NURSE  
PRACTITIONER**

(a) A nurse practitioner applicant seeking registration or first-time approval to practice after January 1, 2000, shall provide evidence of current certification as a nurse practitioner by a national credentialing body.

(b) A nurse practitioner applicant seeking registration or first-time approval to practice who completed a nurse practitioner education program prior to December 31, 1999 shall provide evidence of completion of a course of education that contains a core curriculum including 400 contact hours of didactic education and 400 hours of preceptorship or supervised clinical experience. The core curriculum shall contain the following components:

- (1) health assessment and diagnostic reasoning including:
  - (A) historical data;
  - (B) physical examination data;
  - (C) organization of data base;
- (2) pharmacology;
- (3) pathophysiology;
- (4) clinical management of common health problems and diseases such as the following shall be included in the nurse practitioner's academic program:
  - (A) respiratory system;
  - (B) cardiovascular system;
  - (C) gastrointestinal system;
  - (D) genitourinary system;
  - (E) integumentary system;
  - (F) hematologic and immune systems;
  - (G) endocrine system;
  - (H) musculoskeletal system;
  - (I) infectious diseases;
  - (J) nervous system;
  - (K) behavioral, mental health, and substance abuse problems;
- (5) clinical preventative services, including health promotion and prevention of disease;
- (6) client education related to Subparagraph (b)(4) and (5) of this Rule; and
- (7) role development including legal, ethical, economical, health policy, and interdisciplinary collaboration issues.

(c) Nurse practitioner applicants exempt from components of the core curriculum requirements listed in Paragraph (b) of this Rule are:

- (1) Any nurse practitioner approved to practice in North Carolina prior to January 18, 1981, is permanently exempt from the core curriculum requirement.
- (2) A nurse practitioner certified by a national credentialing body prior to January 1, 1998, who also provides evidence of satisfying Subparagraph (b)(1)-(3) of this Rule shall be exempt from core curriculum requirements in Subparagraph (b)(4)-(7) of this Rule. Evidence

of satisfying Subparagraph (b)(1)-(3) of this Rule shall include:

- (A) a narrative of course content; and
- (B) contact hours.

*History Note: Authority G.S. 90-18(c)(4); Recodified from 21 NCAC 36.0227(d) Eff. August 1, 2004; Amended Eff. December 1, 2009; December 1, 2006; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

**21 NCAC 36 .0806 ANNUAL RENEWAL OF APPROVAL TO PRACTICE**

(a) Each registered nurse who is approved to practice as a nurse practitioner in this State shall annually renew each approval to practice with the Board no later than the last day of the nurse practitioner's birth month by:

- (1) Maintaining current North Carolina RN licensure or privilege to practice;
- (2) Maintaining certification as a nurse practitioner by a national credentialing body identified in Rule .0801(8) of this Section;
- (3) Attesting to completion of continuing competence requirements, and submitting evidence of completion if requested by the Board, as specified in Rule .0807 of this Section;
- (4) Submitting the fee required in Rule .0813 of this Section; and
- (5) Completing the renewal application.

(b) If the nurse practitioner has not renewed by the last day of her or his birth month, the approval to practice as a nurse practitioner shall expire.

*History Note: Authority G.S. 90-8.1; 90-8.2; 90-18(c)(14); 90-171.23(b)(14); 90-171.95B; Recodified from 21 NCAC 36.0227(e) Eff. August 1, 2004; Amended Eff. March 1, 2017; December 1, 2009; November 1, 2008; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

**21 NCAC 36 .0807 CONTINUING EDUCATION (CE)**

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall maintain certification as a nurse practitioner by a national credentialing body identified in Rule .0801(8) of this Section and earn 50 contact hours of continuing education each year, beginning with the first renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing population focus of the NP role for which approval has been granted by the American Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), other national credentialing bodies, or practice-relevant courses in an institution of higher learning.

(b) Every nurse practitioner who prescribes controlled substances shall complete at least one hour of the total required continuing education (CE) hours annually consisting of CE designed

specifically to address controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CE that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for the purposes of this Rule.

(c) Documentation shall be maintained by the nurse practitioner for the previous five calendar years and made available upon request to either Board.

*History Note: Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s 12F; Recodified from 21 NCAC 36 .0227(f) Eff. August 1, 2004; Amended Eff. March 1, 2017; December 1, 2009; April 1, 2008; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

**21 NCAC 36 .0808 INACTIVE STATUS**

(a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Board in writing.

(b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.

(c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice in Rules .0803(a)(1), .0804(a) and (b), .0807, and .0810 of this Section and receive notification from the Board of approval prior to beginning practice after the application is approved.

(d) A nurse practitioner who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and management of these conditions directly related to the nurse practitioner's area of academic education and national certification. A nurse practitioner refresher course participant shall be granted an approval to practice that is limited to clinical activities required by the refresher course.

*History Note: Authority G.S. 90-18(c)(4); 90-18.2; 90-171.36; 90-171.95B; Recodified from 21 NCAC 36 .0227(g) Eff. August 1, 2004; Amended Eff. November 1, 2013; January 1, 2013; December 1, 2009; December 1, 2006; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

**21 NCAC 36 .0810 QUALITY ASSURANCE STANDARDS FOR A COLLABORATIVE PRACTICE AGREEMENT**

The following are the quality assurance standards for a collaborative practice agreement:

- (1) Availability: The primary or back-up supervising physician(s) and the nurse practitioner shall be continuously available to each other for consultation by direct communication or telecommunication.
- (2) Collaborative Practice Agreement:
  - (a) shall be agreed upon, signed, and dated by both the primary supervising



- (b) physician and the nurse practitioner, and maintained in each practice site; shall be reviewed at least yearly. This review shall be acknowledged by a dated signature sheet, signed by both the primary supervising physician and the nurse practitioner, appended to the collaborative practice agreement, and available for inspection by either Board;
  - (c) shall include the drugs, devices, medical treatments, tests, and procedures that may be prescribed, ordered, and performed by the nurse practitioner consistent with Rule .0809 of this Section; and
  - (d) shall include a pre-determined plan for emergency services.
- (3) The nurse practitioner shall demonstrate the ability to perform medical acts as outlined in the collaborative practice agreement upon request by members or agents of either Board.
- (4) Quality Improvement Process:
  - (a) The primary supervising physician and the nurse practitioner shall develop a process for the ongoing review of the care provided in each practice site, including a written plan for evaluating the quality of care provided for one or more frequently encountered clinical problems.
  - (b) This plan shall include a description of the clinical problem(s), an evaluation of the current treatment interventions, and if needed, a plan for improving outcomes within an identified time frame.
  - (c) The quality improvement process shall include scheduled meetings between the primary supervising physician and the nurse practitioner for a minimum of every six months. Documentation for each meeting shall:
    - (i) identify clinical problems discussed, including progress toward improving outcomes as stated in Sub-item (4)(b) of this Rule, and recommendations, if any, for changes in treatment plan(s);
    - (ii) be signed and dated by those who attended; and
    - (iii) be available for review by either Board for the previous five calendar years and be retained by both the nurse practitioner and primary supervising physician.

- (5) Nurse Practitioner-Physician Consultation. The following requirements establish the minimum standards for consultation between the nurse practitioner and primary supervising physician(s):
  - (a) During the first six months of a collaborative practice agreement between a nurse practitioner and the primary supervising physician, there shall be monthly meetings to discuss practice-relevant clinical issues and quality improvement measures.
  - (b) Documentation of the meetings shall:
    - (i) identify clinical issues discussed and actions taken;
    - (ii) be signed and dated by those who attended; and
    - (iii) be available for review by either Board for the previous five calendar years and be retained by both the nurse practitioner and primary supervising physician.

*History Note: Authority G.S. 90-8.2; 90-18(c)(14); 90-18.2; 90-171.23(b)(14); Recodified from 21 NCAC 36 .0227(i) Eff. August 1, 2004; Amended Eff. December 1, 2009; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. June 1, 2021.*

#### **21 NCAC 36 .0815 REPORTING CRITERIA**

- (a) The Department of Health and Human Services ("Department") may report to the North Carolina Board of Nursing ("Board") information regarding the prescribing practices of those nurse practitioners ("prescribers") whose prescribing:
  - (1) falls within the top two percent of those prescribing 100 morphine milligram equivalents ("MME") per patient per day; or
  - (2) falls within the top two percent of those prescribing 100 MMEs per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.
- (b) In addition, the Department may report to the Board information regarding prescribers who have had two or more patient deaths in the preceding 12 months due to opioid poisoning where the prescribers authorized more than 30 tablets of an opioid to the decedent and the prescriptions were written within 60 days of the patient deaths.
- (c) In addition, the Department may report to the Board information regarding prescribers who meet three or more of the following criteria, if there are a minimum of five patients for each criterion:
  - (1) at least 25 percent of the prescriber's patients receiving opioids reside 100 miles or greater from the prescriber's practice location;

- (2) the prescriber had more than 25 percent of patients receiving the same opioids and benzodiazepine combination;
- (3) the prescriber had 75 percent of patients receiving opioids self-pay for the prescriptions;
- (4) the prescriber had 90 percent or more of patients in a three-month period that received an opioid prescription that overlapped with another opioid prescription for at least one week;
- (5) more than 50 percent of the prescriber's patients received opioid doses of 100 MME or greater per day excluding office-based treatment medications; and
- (6) the prescriber had at least 25 percent of patients who used three or more pharmacies within a three-month period to obtain opioids regardless of the prescriber.

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

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

*History Note: Authority G.S. 90-113.74;  
Eff. April 1, 2016;  
Amended Eff. May 1, 2018;  
Readopted Eff. January 1, 2019;  
Amended Eff. June 1, 2021.*

**21 NCAC 36 .0817 COVID-19 DRUG  
PRESERVATION RULE**

(a) The following drugs are "Restricted Drugs" as that term is used in this Rule:

- (1) Hydroxychloroquine;
- (2) Chloroquine;
- (3) Lopinavir-ritonavir;
- (4) Ribavirin; and
- (5) Darunavir.

(b) A nurse practitioner shall prescribe a Restricted Drug only if that prescription bears a written diagnosis from the prescriber consistent with the evidence of its use.

(c) When a patient has been diagnosed with COVID-19, any prescription of a Restricted Drug for the treatment of COVID-19 shall:

- (1) Indicate on the prescription that the patient has been diagnosed with COVID-19;
- (2) Be limited to no more than a 14-day supply; and
- (3) Not be refilled, unless a new prescription is issued in conformance with this Rule, including not being refilled through an emergency prescription refill.

(d) A nurse practitioner shall not prescribe a Restricted Drug for the prevention of, or in anticipation of, the contraction of COVID-19 by someone who has not yet been diagnosed.

(e) A prescription for a Restricted Drug may be transmitted orally only if all information required by this Rule is provided to the pharmacy by the nurse practitioner, or the nurse practitioner's

agent, and that information is recorded in writing in accordance with 21 NCAC 46 .1819(e).

(f) This Rule does not affect orders for administration to inpatients of health care facilities.

(g) This Rule does not apply to prescriptions for a Restricted Drug for a patient previously established on that particular Restricted Drug on or before March 10, 2020.

*History Note: Authority G.S. 90-8.2; 90-171.23(b)(14);  
Emergency Adoption Eff. April 21, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Temporary Adoption Expired Eff. April 11, 2021;  
Eff. June 1, 2021.*

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**CHAPTER 39 - ON-SITE WASTEWATER  
CONTRACTORS AND INSPECTORS CERTIFICATION  
BOARD**

**21 NCAC 39 .0101 DEFINITIONS**

In addition to the terms defined in Article 5 of Chapter 90A of the General Statutes, the following definitions apply to the Rules in this Chapter:

- (1) "Authorized On-Site Wastewater Evaluator" means the same as defined in G.S. 130A-336.2(a); hereafter referred to as "evaluator".
- (2) "Building being constructed" means construction of a site-built single family residence constructed pursuant to Article 1, Chapter 87 of the N.C. General Statutes.
- (3) "College course" means a semester unit or quarter unit-based instruction given at a college or university that is relevant to on-site wastewater contractor or inspector activities, and is pre-approved by the board as set out in Rule .0603 of this Chapter.
- (4) "Course or Activity" means any course or activity with a purpose and objective that maintains, improves, or expands skills and knowledge relevant to the practice of on-site wastewater contractor or inspector activities and pre-approved in accordance with G.S. 90A-79(b) and Rule .0602 of this Section.
- (5) "Evaluation and findings" mean, at a minimum, the information required in G.S. 130A-335(e).
- (6) "Licensed soil scientist" means an individual licensed in accordance with Chapter 89F of the North Carolina General Statutes.
- (7) "Notice of Intent to Construct" means, at a minimum, that information required by G.S. 130A-336.2(b) and is provided as a form by the Department of Health and Human Services.
- (8) "Personally supervise" means to direct and control all on-site wastewater contractor or inspector activities during the time those activities are being conducted.
- (9) "Professional development hour" or "PDH" means an hour of instruction or presentation

- and is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.
- (10) "Repair" means construction activity or alteration to an existing on-site wastewater system that is necessary to comply with a Construction Authorization for a repair permit issued by the Local Health Department or through the Authorized On-Site Wastewater Evaluator option pursuant to G.S. 130A-336.2.
- (11) "Seal" means the seal required by G.S. 130A-336.2(d)(2) for certified Authorized On-Site Wastewater Evaluator.
- (12) "Subordinate" means the same as defined in G.S. 89F-3(10).
- History Note: Authority G.S. 90A-71; 90A-72; 90A-74; 130A-336.2;*  
*Eff. February 1, 2011;*  
*Amended Eff. January 1, 2016; January 1, 2013;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0102 TYPES OF CERTIFICATION**

(a) The levels of certification for on-site wastewater contractors are as follows:

Level	Description of Activities
I	Single Septic Tank, Conventional (Gravel) Gravity System
II	Grade I, plus: Multiple tanks, Grease Traps, Single Pump or Single Siphon, Fill Systems, Sand Lined Trench, and any approved gravity or single pump dispersal system not specified in Grade Level III or Grade Level IV
III	Grade II, plus: Dual pumps or Dual Siphons, Systems of >1500 gpd to <3000 gpd, Low-Pressure Dispersal, Flow Equalization, and any system requiring ground water lowering with a pump
IV	Grade III, plus: Systems >3000 gpd, Multiple Off-Site Systems, Industrial Process Wastewater, Residential Wastewater Treatment Systems (RWTS), TS-I and TS-II System, Drip Dispersal Systems, and Wastewater Reuse Systems or any Pretreatment Component.

(b) Inspectors are certified to inspect all on-site wastewater systems referenced in Paragraph (a).

(c) Evaluators shall be certified pursuant to G.S. 130A-336.2.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0201 APPLICATION REQUIREMENTS FOR CERTIFICATION**

(a) Applications for certification shall be submitted on forms provided by the Board.

(1) Applications for a contractor or inspector shall include:

- (A) Applicant's name;
- (B) Company address;
- (C) Phone number;
- (D) Date of birth;
- (E) Email address, if available;
- (F) Company or employer name and address;
- (G) Company phone number;
- (H) County where company is located;
- (I) If the certification is for contractor or inspector;

(J) The contractor certification level requested;

(K) Certification number, if renewal;

(L) Required certification fee or annual fee for level of certification;

(M) Dates, locations, hours, and providers of required education and training;

(N) Applicant signature; and

(O) Social Security Number.

(2) Applications for evaluator shall include:

- (A) Applicant's name;
- (B) Company address;
- (C) Phone number;
- (D) Date of birth;
- (E) Email address, if available;
- (F) Company or employer name and address;
- (G) Company phone number;
- (H) County where company is located;
- (I) Required certification fee;
- (J) Dates, locations, hours, providers, and completion certificate that includes the required Board-approved evaluator course;
- (K) Copy of current Errors and Omission Policy declaration page, as required by G.S. 130A-336.2;

- (L) Copy of current General Liability Policy declarations page, as required by G.S. 130A-336.2;
- (M) Copy of current Soil Scientist License pursuant to Chapter 89F;
- (N) Verification of minimum of five years' experience in on-site wastewater soil science;
- (O) Applicant signature; and
- (P) Social Security Number.

(b) Applications for renewal shall be submitted annually on forms provided by the Board and shall include:

- (1) Certification holder's name;
- (2) Company name;
- (3) Company address;
- (4) Certification number(s)
- (5) Copy of required continuing education documentation;
- (6) Annual renewal fee;
- (7) Current copies of all required insurance declarations pages;
- (8) Evaluators will also submit current copy of LSS license; and
- (9) Applicant signature.

(c) Incomplete applications and applications not accompanied by the fee as set forth in Rule .0301 of this Chapter shall not be processed and shall be returned to the applicant.

(d) Upon approval of an application pursuant to the requirements of this Chapter, the Board shall schedule an applicant to take the required examination.

(e) The Board may request verification of education and training.

(f) All certified contractors, inspectors, or evaluators shall submit a renewal application by November 15 of each year. If a renewal applicant's renewal application is not received by the Board until after December 31 of that calendar year, the renewal applicant shall pay a late fee of twenty-five dollars (\$25.00) in accordance with G.S. 90A-78(b). If a renewal application is received by the Board after December 31, it will not be processed until the late fee is received.

(g) If the renewal application is postmarked more than 90 days after December 31, the person must meet the requirements for re-certification.

(h) Applications for new certifications requiring testing pursuant to G.S. 90A-77 must be received by the Board at least 15 days prior to the scheduled date of the examination.

(i) Any person requesting a certification level upgrade shall submit a request in writing and pay the difference in the fees set forth in Rule .0301 of this Chapter. Requests must be received no less than 24 hours prior to the scheduled date of the examination.

(j) In cases where the applicant is ineligible for examination for failure to meet the requirements set forth in Rules and statutes, the applicant shall be notified by letter and advised of the reason for ineligibility.

(k) Applicants who have supplied false information must wait 12 months before resubmitting an application for certification or renewal and must forfeit all fees paid.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 130A-336.2;

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0301 SCHEDULE OF CERTIFICATION FEES**

(a) Application fees are as follows:

Grade Level	Initial Fee	Renewal Fee
I	\$150.00	\$75.00
II	\$200.00	\$75.00
III	\$250.00	\$75.00
IV	\$300.00	\$75.00
Inspector Certificate	\$200.00	\$75.00
Combination Contractor Certification Grade Level and Inspector Certificate	Sum of individual fees	\$125.00
On-site Wastewater Evaluator	\$300.00	\$100.00

(b) Application fees shall not be pro-rated.

(c) The fee for re-instatement of a revoked or suspended certification is five hundred dollars (\$500.00).

(d) The fee for certificate replacement or duplication is twenty-five dollars (\$25.00).

(e) The fee for late renewal is twenty-five dollars (\$25.00). This fee is charged if the renewal request is received after December 31.

(f) The fee for each returned check is twenty-five dollars (\$25.00).

(g) All fees are non-refundable.

*History Note:* Authority G.S. 25-3-506; 90A-72(a); 90A-74; 90A-75; 90A-77(f); 90A-78(b); 130A-336.2;

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0401 ON-SITE WASTEWATER CONTRACTOR, INSPECTOR, OR EVALUATOR EXAMINATIONS**

(a) On-site wastewater contractor, inspector, or evaluator examinations shall be comprehensive examinations that are standardized statewide.

(b) The exam questions shall be specific to the grade level being sought by the applicant.

(c) Any applicant seeking a combination certification shall take and pass each exam specific to the grade level certifications being sought.

(d) Each applicant shall obtain a passing score of at least 70 percent. Results of the examination shall be reported as either "pass" or "fail."

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;  
*Eff. February 1, 2011;*  
*Amended Eff. January 1, 2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .0402 TIME AND PLACE OF EXAMINATION**

- (a) The Board may schedule on-site wastewater contractor, inspector, or evaluator examinations in addition to the required examinations pursuant to G.S. 90A-77. Additional examinations may be scheduled by the Board if the Board determines that the three scheduled examinations are insufficient due to the number of applicants for examination or the time between examinations. Information regarding the date, time, and place shall be made available on the Board's web site or upon request.
- (b) The Board shall notify each applicant filing for examination in writing of the date, time, and place of the examination.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;  
*Eff. February 1, 2011;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .0404 ISSUANCE OF CERTIFICATES**

- (a) After an examination grading, the applicant shall be informed in writing by the Board or its authorized representatives as to the results of his or her examination. The Board shall not respond to requests for exam results.
- (b) Upon successful completion of the examination and all requirements for certification the applicant shall be issued a certification card.
- (c) Questions by the applicant concerning the examination must be made in writing to the Board within six months of the notification date.
- (d) An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Board members or its authorized representative at a location approved by the Board.
- (e) Each certified on-site wastewater contractor, inspector, or evaluator shall be assigned a unique certification number. Certification numbers are not transferable and shall not be used by another onsite wastewater contractor, inspector, or evaluator.
- (f) Upon successful completion of the examination, each evaluator shall be issued a seal.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;  
*Eff. February 1, 2011;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .0405 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE**

(a) Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license upon the applicant's satisfying the following conditions:

- (1) Submit a complete Application for Certification;
- (2) Submit a license fee in accordance with G.S. 90A-75 and Rule .0301 of this Chapter;
- (3) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2);
- (4) For evaluator, provide documentation from the N.C. Board for Licensing of Soil Scientists that requirements set out in G.S. 89F have been satisfied; and
- (5) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed.

(b) Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license upon the applicant's satisfying the following conditions:

- (1) Submit a complete Application for Certification;
- (2) Submit a license fee in accordance with G.S. 90A-75 and Rule .0301 of this Chapter;
- (3) Submit documentation demonstrating that the applicant is married to an active member of the U.S. military;
- (4) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);
- (5) For evaluator, provide documentation from the N.C. Board for Licensing of Soil Scientists that requirements set out in G.S. 89F have been satisfied; and
- (6) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed.

*History Note:* Authority: G.S. 90A-74; 90A-75; 93B-15.1; 130A-336.2;  
*Eff. April 1, 2014;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .0601 REQUIREMENTS**

(a) Every certified on-site wastewater contractor, inspector, or evaluator shall obtain Professional Development Hours (PDH) units during the renewal period as described in the following table:

Level	Annual PDH Units Required
I	3
II	3
III	6
IV	6
Inspector	6
Combination Contractor Grade Level and Inspector	6
Evaluator	12

(b) The certified on-site wastewater contractor, inspector, or evaluator shall select courses and activities that have been approved as set out in Rule .0602 of this Chapter.

(c) Professional Development Hours (PDH) shall be accepted by the Board for approved courses pursuant to Rule .0602 of this Chapter. Hours for all other courses shall be submitted by providers to the Board for approval pursuant to Rule .0602 of this Chapter. If not approved, no PDH shall be granted for the course.

(d) Each on-site wastewater contractor, inspector, or evaluator shall attend at least 85 percent of the class in order to receive credit. Any attendee present for less time shall not receive credit for the class. The class provider or authorized representative shall certify that each class attendee meets the requirement of this Paragraph.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016; January 1, 2013;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0602 APPROVAL OF CONTINUING EDUCATION COURSES**

(a) All continuing education courses shall be approved by the Board before PDH can be granted.

(b) All continuing education courses shall be approved on an annual basis.

(c) The Board shall approve courses in accordance with G.S. 90A-79 that instruct on on-site wastewater contractor, inspector, or evaluator activities and that enhance a contractor's, inspector's, or evaluator's knowledge of construction, installation, repair, or inspection of wastewater systems. The Board shall determine that courses and activities result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of on-site wastewater contractor, inspector, or evaluator activities. Providers may request approval of courses or activities from the Board by obtaining and completing a form available on the Board's website ([www.ncowcib.info](http://www.ncowcib.info)) or by a written request to the Board that provides the following information:

- (1) Course content;
- (2) Course schedule;
- (3) Level of instruction provided (Level 1, 2, 3, 4, Inspector, or level 4/Inspector); Combination

Contractor Grade Level and Inspector, or evaluator;

- (4) Qualifications of instructors (including both education and experience); and
- (5) Materials provided, field experiences, and other activities available in connection with the course(s).

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0603 DETERMINATION OF CREDIT**

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Repealed Eff. June 1, 2021.*

## **21 NCAC 39 .0604 RECORDKEEPING**

Each contractor, inspector, or evaluator shall maintain records of any completed PDH courses including the following:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name, and PDH credits earned; or
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0605 EXTENSION OF TIME**

(a) The Board shall grant an on-site wastewater contractor, inspector, or evaluator an extension of time to complete continuing education (CE) requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:

- (1) written request for extension; and
- (2) documentation that the requestor is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

(b) The Board shall grant an on-site wastewater contractor, inspector, or evaluator an extension of time to obtain CE requirements if he or she has a disability or illness that prevents him or her from complying with CE requirements. In order to

receive the waiver, the requestor shall provide the Board with the following:

- (1) written request for waiver; and
- (2) documentation that describes the disability or illness and explains how the disability or illness prevents the contractor, inspector, or evaluator from complying with the Board's CE requirements. Documentation includes a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA).

(c) Where on a case-by-case basis the Board determines that due to an undue hardship (such as natural disaster or illness of family member) the contractor, inspector, or evaluator could not reasonably be expected to comply with the Board's CE requirements, the contractor, inspector, or evaluator shall be granted an extension of time in which to obtain the required CE credits. To be considered for an extension of time, a requestor shall submit the following:

- (1) written request for extension; and
- (2) documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CE requirements upon submission of documentation that a contractor, inspector, or evaluator is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CE credits were required.

(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the one year extension of time, a contractor, inspector, or evaluator may request an additional extension in accordance with this Rule. Except as set out in Paragraph (a) of this Rule, the Board shall grant no more than two consecutive extensions.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 93B-15; 130A-336.2;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0701 REVOCATION, OR SUSPENSION OF CERTIFICATION**

(a) The Board may revoke or suspend the certification of an on-site wastewater contractor, inspector, or evaluator in accordance with the provisions of G.S. 90A-80, 90A-81, and Article 3A of Chapter of 150B of the NC General Statutes. For holders of the Combination Contractor Grade Level and Inspector certifications, the Board may revoke or suspend either or both certifications.

(b) Following a revocation or suspension, a certificate holder shall relinquish his or her certificate or seal by submission to the Board of the original certificate or seal and a notarized statement of relinquishment.

(c) The Board may restrict the certificate of an on-site wastewater contractor, inspector, or evaluator. Written notice of the restriction shall be delivered in accordance with the provisions of service in G.S. 150B-42. A copy of the letter shall be kept in the on-site wastewater contractor, inspector, or evaluator's file. The on-site wastewater contractor, inspector, or evaluator shall be given the opportunity to put a letter of rebuttal into the file with

the Board. The letter shall be received by the Board within 30 days of receipt of the written notice.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81; 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021.*

## **21 NCAC 39 .0801 CODE OF ETHICS**

(a) Contractors, inspectors, and evaluators shall at all times recognize their primary obligation is to protect the public in the performance of their professional duties and shall conduct the practice of those duties in a manner that protects the public health, safety and welfare.

(b) Opinions expressed by contractors, inspectors, or evaluators in the discharge of their duties shall only be based on their education and experience.

(c) No contractor, inspector, or evaluator shall disclose any information about the results of an inspection or evaluation without the approval of the client for whom the inspection or evaluation was performed, or the client's designated representative, except as required by law.

(d) No contractor, inspector, or evaluator shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.

(e) No contractor, inspector, or evaluator shall accept or offer commissions or allowances, directly or indirectly, from or to other parties dealing with the client in connection with work for which the licensee is responsible.

(f) No contractor, inspector, or evaluator shall provide an appraisal nor express an opinion of the market value of the inspected property during an inspection or in the inspection report.

(g) Before the execution of a contract to perform an on-site wastewater system inspection, an inspector shall disclose to the client any interest the inspector has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the inspector may be called upon to perform.

(h) Before the execution of a contract to perform an on-site wastewater system installation, a contractor shall disclose to the client any interest a contractor has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the installation work that the contractor may be called upon to perform.

(i) Before the execution of a contract to perform an on-site wastewater system evaluation, an evaluator shall disclose to the client any interest the evaluator has in a business that may affect the client. No evaluator shall allow his or her interest in any business to affect the quality or results of the evaluation work that the evaluator may be called upon to perform. Pursuant to G.S. 130A-336.2(d)(1), the evaluator shall not form a direct business relationship with any technology.

(j) Contractors shall not knowingly or willfully install a non-permitted system.

- (k) Contractors shall not knowingly or willfully install a system or any part of a system other than what is specified in the permit.
- (l) Contractors, inspectors, and evaluators shall not engage in false or misleading advertising, documentation, and reporting or otherwise misrepresent any matters to the public.
- (m) Contractors, inspectors, and evaluators shall discharge their duties in accordance with Article 5 of Chapter 90A of the North Carolina General Statutes and the rules of the Board.
- (n) No inspector shall subcontract with another inspector for an on-site wastewater system inspection without the knowledge and signed consent of the client.
- (o) The contractor of record shall be the responsible party for an on-site wastewater system installation or repair that is permitted through the local health department.
- (p) The evaluator of record shall be responsible for the work conducted by a subordinate.
- (q) The evaluator shall not perform any of the functions performed by a professional engineer for engineered wastewater systems described in G.S. 130A-336.1
- (r) Evaluators who fail to comply with G.S. 89F-19 and have their soil scientist license revoked or suspended shall also have their authorization as an evaluator revoked or suspended.
- (s) Employees of a local health department or DHHS shall not construct, install, or repair, or offer to construct, install, or repair, onsite wastewater systems outside of their employment with a local health department or DHHS.
- (t) Evaluators shall not perform duties of contractors or inspectors on any system on which they are the evaluator.

*History Note: Authority G.S. 90A-70; 90A-72; 90A-74; 130A-336.2;*  
*Eff. November 1, 2011;*  
*Amended Eff. January 1, 2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .0904 WAIVER OR EXTENSION**

The Board may waive or extend any rule in this Chapter that is not statutorily required if a certificate holder submits a written request. Factors the Board shall use in determining whether to grant the waiver or extension are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver or extension;
- (5) notice to and opposition by the public;
- (6) need for the waiver or extension; and
- (7) previous requests for waivers or extensions submitted from the requesting party.

*History Note: Authority G.S. 90A-74; 150B-19(6);*  
*Emergency Adoption Eff. May 20, 2020;*  
*Temporary Adoption Eff. July 24, 2020;*  
*Eff. June 1, 2021.*

**21 NCAC 39 .1001**

**DEFINITIONS**

As used in this Section:

- (1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, high water, fire, freezing, or other unsafe conditions.
- (2) "Component" means a readily accessible and observable part of an on-site wastewater system.
- (3) "Cross connection" means any physical connection or arrangement between potable water and the on-site wastewater system or any other source of contamination.
- (4) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment, such as personal protection equipment.
- (5) "Describe" means a written report of a condition found within the system or any observed component of the inspected system.
- (6) "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened by other means that would not be taken apart or removed by a homeowner or operator in the course of normal household maintenance.
- (7) "Enter" means to go into an area to inspect all readily accessible, readily openable, and readily visible components.
- (8) "Hydraulic Load Test" means the introduction of water or waste water into a system for the purposes of mimicking the system's peak flows.
- (9) "Inflow" means extraneous water directly entering a component, such as via a sump pump, foundation drain, condensate line, or infiltration.
- (10) "Normal operating controls" means certified operator or homeowner-operated devices.
- (11) "Normal wear and tear" means superficial blemishes or defects that do not interfere with the functionality of the component or system.
- (12) "Operate" means to cause systems or equipment to function.
- (13) "Readily accessible" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
- (14) "Readily openable access panel" means a panel provided for homeowner or certified operator maintenance and operation that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed for inspection. This definition is limited to those wastewater system components not blocked by



stored items, furniture, building components or landscaping.

- (15) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a probe, flashlight, or mirror.
- (16) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar parts used to carry water off a roof and away from a building.
- (17) "Shut down" means a condition or conditions wherein a piece of equipment or system cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.
- (18) "Statement of responsibility" means a signed and dated document, from the contractor to the system owner, that acknowledges the requirements of the onsite wastewater system specified by the evaluator.
- (19) "Structural component" means a wastewater system component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads), such as a control panel support, septic tank, D-box, or manifold.

*History Note:* Authority G.S. 90A-71; 90A-74; 130A-336.2;  
*Eff. October 1, 2011;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .1002 GENERAL REQUIREMENTS FOR CONTRACTORS AND INSPECTORS**

(a) Inspectors shall:

- (1) Provide to the client or the client's representative a written contract, signed by both the client or client's representative and the inspector, before the on-site wastewater system inspection is performed that:
  - (A) States that the on-site wastewater system inspection is conducted in accordance with Rules .1004, .1005, and .1006 of this Section; and
  - (B) Describes what services shall be provided and their cost;
- (2) Obtain written permission from the owner or owner's representative to perform the inspection;
- (3) Inspect readily openable and accessible installed systems and components listed in Rule .1005 of this Section;
- (4) Submit a written report to the client or client representative within 10 business days of the inspection that:
  - (A) Describes those systems and components required to be described

in Rules .1005 through .1006 of this Section;

- (B) States which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting. Failure to locate the system or components for inspection or "could not locate" shall not be the same as "not visible." If the system or component is not located, the written report shall state the failure to locate the system or components for inspection or "could not locate;"
- (C) States any systems or components inspected that do not function as intended or harm the wastewater treatment system;
- (D) States whether the condition reported requires repair or subsequent observation, or warrants further evaluation by the local health department. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and refer the recipient to the local health department or a certified on-site wastewater contractor; and
- (E) States the name, license number, and signature of the certified inspector;
- (5) Maintain records for a period of seven years.

(b) Contractors that contract with an owner of a system permitted by an evaluator in accordance with G.S. 130A-336.2 shall:

- (1) Submit to the evaluator and Board the insurance declaration page verifying errors and omissions, liability, or other coverage, as appropriate for the system designed, prior to commencing installation;
- (2) Be responsible for all aspects of the construction and installation of the wastewater system and its components, including adherence to specifications and any special inspections that are prepared, signed, and sealed by the evaluator; and
- (3) Submit a dated and signed statement of responsibility to the owner of the wastewater system, prior to commencement of work.

*History Note:* Authority G.S. 90A-71; 90A-72; 90A-74; 130A-336.2;  
*Eff. October 1, 2011;*  
*Amended Eff. January 1, 2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021.*

**21 NCAC 39 .1101 DEFINITIONS**

As used in this Section:

- (1) "Accepted wastewater dispersal system" means as defined in G.S. 130A-343.
- (2) "Authorized inspector" or "Independent inspector" means an individual employed or contracted by an evaluator to observe and direct the construction of the wastewater system designed, planned, and specified by the evaluator.
- (3) "Notice of intent to construct" means the form developed by DHHS pursuant to G.S. 130A-336.2(b).
- (4) "Special inspection" means any continuous or intermittent inspection or visitation performed by the evaluator at the construction site on behalf of the owner.

*History Note: Authority G.S. 90A-74; 130A-336.2; Eff. June 1, 2021.*

**21 NCAC 39 .1102 GENERAL REQUIREMENTS FOR EVALUATORS**

In addition to the duties set forth in G.S. 130A-136.2, evaluators shall:

- (1) Provide a "notice of intent to construct" to the owner of a proposed wastewater system, so the owner can submit it to the local health department that has jurisdiction over the location of the proposed wastewater system;
- (2) Prepare a signed and sealed statement of special inspections that includes the following items:
  - (a) The materials, systems, components, and work subject to special inspections and testing;
  - (b) The type, frequency, and extent of each special inspection and each test;
- (3) Notify the owner if the system will require the owner to enter into a contract with a water pollution control system operator certified pursuant to Part 1 of Article 3 of Chapter 90A of the General Statutes; and
- (4) Maintain records for a period of seven years. This shall include a signed and dated copy of the operation and management program that was provided to the system owner and all inspection reports.

*History Note: Authority G.S. 130A-336.2; Eff. June 1, 2021.*

**21 NCAC 39 .1103 GENERAL EXCLUSIONS FOR EVALUATORS**

Evaluators shall not:

- (1) Offer or perform any act or service contrary to Article 5 of G.S. 90A, G.S. 130A-336.2, or the rules of this Chapter;

- (2) Form a direct business relationship with any technology that may result in a conflict of interest;
- (3) Perform any of the functions performed by a professional engineer for engineered wastewater systems described in G.S. 130A-336.1; and
- (4) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job function requiring an occupational license in the jurisdiction where the evaluation, inspection, installation, or repair is taking place, unless the evaluator holds a valid occupational license in that field, in which case the evaluator shall inform the client that the evaluator is so licensed.

*History Note: Authority G.S. 130A-336.2; Eff. June 1, 2021.*

**21 NCAC 39 .1104 REQUIRED DOCUMENTS FOR EVALUATORS**

Evaluators shall provide the owner with the following documents at the post-construction conference:

- (1) a signed and sealed copy of reports on soil conditions and site features, layouts, drawings, specifications, justification on any proposed design daily flow reductions, and any special inspection reports or corrections made during the construction of the system;
- (2) the owner's operation and management program established for the specific wastewater system installed;
- (3) any reports and findings related to the evaluation, siting, and construction of the wastewater system; and
- (4) information to the owner on procedures for final submittal to the local health department.

*History Note: Authority G.S. 90A-74; 130A-336.2; Eff. June 1, 2021.*

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**CHAPTER 61 - RESPIRATORY CARE BOARD**

**21 NCAC 61 .0901 RULE WAIVERS**

(a) If the Governor declares a state of emergency issued under G.S. 166A-19.3(19), the Board may waive the following provisions in its rules:

- (1) The requirement for licensure set forth in 21 NCAC 61 .0201(a)(4) that requires each applicant for an initial license to provide a copy of current certification in Basic Life Support (BLS);
- (2) The requirement for licensure set forth in 21 NCAC 61 .0201(b)(1) that states that for applicants who have not practiced respiratory care for a period of time greater than one year,

but less than five years, the applicant must provide evidence of 12 hours of continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of inactivity;

- (3) The requirement for licensure set forth in 21 NCAC 61 .0204(a)(4) that requires following the late renewal of any license, an additional late fee of seventy-five dollars (\$75.00);
- (4) The requirement for licensure set forth in 21 NCAC 61 .0302(c) that requires each applicant for renewal to provide proof of completion of continuing education requirements as established in this Chapter;
- (5) The requirement for licensure set forth in 21 NCAC 61 .0302(e) that requires each applicant for renewal to provide a copy of current certification in Basic Life Support (BLS);
- (6) The requirement for licensure set forth in 21 NCAC 61 .0302(f) that requires licenses lapsed in excess of 24 months shall not be renewable;
- (7) The requirement for licensure set forth in 21 NCAC 61 .0302(e) that requires an individual licensed on inactive status to convert his or her license to active status by payment of the renewal fee and late fee and provide evidence of the completion of a minimum of 12 hours of continuing education that meets the requirements of 21 NCAC 61 .0401 for each full year of inactivity;
- (8) The requirement for licensure set forth in 21 NCAC 61 .0401(a) for continuing education requirements;
- (9) The requirement for licensure set forth in 21 NCAC 61 .0401(e) that requires a licensee to be subjected to a random audit for proof of compliance with the Board's requirements for continuing education; and
- (10) The requirement for licensure set forth in 21 NCAC 61 .0401(f) that requires continuing education audits be submitted to the Board no later than 30 days of receipt of the audit notice.

(b) The waivers granted pursuant to this Rule shall only apply during the effective period of the state of emergency.

(c) Waivers granted pursuant to this Rule will be posted on the Board's website at [www.ncrcb.org](http://www.ncrcb.org).

*History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(9); 90-652(11); 90-652(13);*

*Emergency Adoption Eff. March 30, 2020;*

*Temporary Adoption Eff. June 1, 2020.*

*Temporary Adoption Expired March 12, 2021;*

*Eff. June 1, 2021.*

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## **CHAPTER 64 – BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

### **21 NCAC 64 .0108 WAIVER**

The Board may waive any rule in this Chapter that is not statutorily required if a licensee submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver;
- (5) notice to and opposition by the public;
- (6) need for the waiver; and
- (7) previous requests for waivers submitted from the requesting party.

*History Note: Authority G.S. 90-304; 150B-19(6);*

*Emergency Adoption Eff. April 24, 2020;*

*Temporary Adoption Eff. June 26, 2020;*

*Eff. June 1, 2021.*

### **21 NCAC 64 .0219 TELEPRACTICE**

(a) For purposes of this Rule the following words shall have the following meanings:

- (1) "Patient site" means the patient's physical location at the time of the receipt of the telepractice services.
- (2) "Provider" means a licensed speech and language pathologist or audiologist who provides telepractice services.
- (3) "Provider site" means the licensee's physical location at the time of the provision of the telepractice services.
- (4) "Telepractice" means the use of telecommunications and information technologies for the exchange of encrypted patient data from patient site to provider site for the provision of speech and language pathology and audiology services to patients through hardware or internet connection via real time interaction or store forward techniques.

(b) Telepractice shall be obtained in a manner to ensure patient confidentiality.

(c) Telepractice is subject to the same standard of practice stated in Rule .0216 of this Chapter as if the person being treated were physically present with the licensee.

(d) Telepractice constitutes the practice of Speech and Language Pathology and Audiology in both the patient site and provider site. Providers must hold a license in the state of the provider site and shall be in compliance with the statutory and regulatory requirements of the patient site.

(e) Registered Speech and Language Pathology Assistants and Audiology Assistants under the supervision of licensed providers shall be allowed to engage in telepractice under the same level of direct supervision as required by 21 NCAC 64 .1003(e)(1), (2), and (6).

(f) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

(g) Notification of telepractice services shall be provided to the patient and guardian if the patient is a minor or under guardianship. The notification shall include the right to refuse telepractice services and options for alternate service delivery.

*History Note: Authority G.S. 90-304(a)(3);  
Eff. September 1, 2010;  
Amended Eff. March 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;  
Emergency Amendment Eff. March 27, 2020;  
Temporary Amendment Eff. June 26, 2020;  
Amended Eff. June 1, 2021.*

**21 NCAC 64 .1101 DEFINITIONS**

- (a) "Assistant" means an Audiology Assistant who is registered by a Primary Supervising Licensee with the Board.
- (b) "Board" means the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists.
- (c) "Licensee" means an individual who holds a current permanent license in audiology from the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists.
- (d) "Primary Supervising Licensee" means the Licensee as defined in this Rule who supervises the majority of the Assistant's work, who is responsible for the Assistant's registration with the Board, and who bears the responsibility for all supervision requirements and notification responsibility to the Board of any changes in registration information.
- (e) "Registration" means the process through which an Assistant is approved by the Board to work with a Licensee to provide services to the public.
- (f) "Secondary Supervising Licensee" means a Licensee as defined in this Rule who supervises the Assistant in the absence of the Primary Supervising Licensee to cover variations in work hours.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);  
Emergency Adoption Eff. April 24, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Eff. June 1, 2021.*

**21 NCAC 64 .1102 GENERAL REQUIREMENTS**

- (a) For registration, Assistants must present:
  - (1) Evidence of high school diploma or equivalent; and
  - (2) A letter of certification of the Assistant's competency provided by a supervising audiologist that attests to one of the following:
    - (A) the supervising audiologist has trained the Assistant in tasks allowed in Rule .1104 of this Section;
    - (B) the Assistant has provided the supervising audiologist with evidence that he or she has completed training in the tasks allowed in Rule .1104 of this Section; or
    - (C) the supervising audiologist has assessed and is satisfied with the

competency of the Assistant to perform the tasks allowed in Rule .1104 of this Section.

(b) Assistants who conduct pure tone audiometry under general supervision by the licensee must have completed a Certified Occupational Hearing Conservationists (COHC) or a program with equivalent certification requirements. If the assistant has completed training under the NC Hearing Aid Dealers and Fitters Board, then proof of successful completion of the NCHADFB exam would also meet the requirement.

(c) A Licensee who is employed full-time (30 hours/week or more) may register to be primary supervisor of no more than two Assistants at any one time. A Licensee who is employed part-time (less than 30 hours/week) may register to supervise no more than one Assistant at any one time. The Primary Supervising Licensee shall ensure that the Assistant complies with this Section, and with ethical standards set forth in the Board's Practice Act and rules. Secondary Supervising Licensees in the same practice may also supervise the Assistant, provided that such supervision is conducted in accordance with the rules set forth in this Section.

(d) The Primary Supervising Licensee must keep the Board apprised of any changes in registration information as follows:

- (1) Changes of supervising licensee(s) shall require prior written approval of the Board and the Primary Supervising Licensee must submit the request in writing at least 10 days prior to the effective date.
- (2) The Primary Supervising Licensee must submit changes that do not directly relate to patient care, such as change of address, to the Board in writing within 10 business days of the effective change. Such changes do not require pre-approval from the Board.

(e) The Primary Supervising Licensee shall remit to the Board an annual registration fee for the Assistant in an amount of forty dollars (\$40.00).

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);  
Emergency Adoption Eff. April 24, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Eff. June 1, 2021.*

**21 NCAC 64 .1103 LICENSEE REQUIREMENTS**

(a) Licensees who register an Assistant shall be licensed in North Carolina, or hold equivalent qualifications from another state, for the previous two years prior to registering an Assistant with the Board. Temporary license holders shall not register Assistants.

(b) Licensees who register an Assistant shall attest to the Assistant's understanding and review of the registration and supervision process (scope of practice, ethics, written protocols, record keeping) set forth in the rules of this Section.

(c) Licensees must submit the application and annual fee for registration of the Assistant to the Board. The application shall include the following information:

- (1) assistant's name, address, and telephone number;
- (2) employer name;
- (3) number of hours worked per week by supervising licensee;

- (4) primary supervising licensee's name, address, and telephone number;
- (5) secondary supervising licensee's name, address, and telephone number, if applicable; and
- (6) all locations where the assistant is to provide services.

(d) Licensees shall inform all patients when services are being provided by an Assistant and the Assistant must wear a badge that includes the job title: "Audiology Assistant."

(e) Tasks and duties that are within the scope of responsibilities for an Assistant are listed in Rules .1104 and .1105 of this Section. The Supervising Licensee shall be responsible for all patient services performed by the Assistant. The Supervising Licensee shall determine the assignment of tasks and the amount and type of supervision to ensure quality of care considering relevant factors such as the skills of the Assistant, the needs of the patient, and the service setting. Before assigning treatment tasks to an Assistant, the Licensee shall evaluate the patient files and develop a plan for the care and follow an established protocol.

(f) Any time an Assistant provides services during a patient encounter, the Supervising Licensee or Assistant shall document the Assistant's services in the patient's medical record. If the Assistant documents the services, the Supervising Licensee shall co-sign the medical record. The Supervising Licensee shall be responsible for the accuracy and compliance of the documentation. These signed and dated patient encounter records must be retained as part of the patient's file for the time period specified in Rule .0209 of this Chapter and may be requested by the Board.

(g) The Board may do random audits of records to determine compliance with the rules in this Chapter.

(h) When patient services are being rendered by an Assistant, the Supervising Licensee must be available to observe and supervise the Assistant, when necessary.

(i) The Primary Supervising Licensee shall assess the Assistant's competencies during the initial 60 days of employment using a performance-based competency assessment. The completed assessment shall be submitted to the Board within 90 days of registration. A new competency assessment must be completed and filed within 90 days each time the Primary Supervising Licensee changes.

(j) Assistants shall only engage in those activities related to the practice of Audiology as set forth in Rules .1104 and .1105 of this Section. An Assistant's activities related to the practice of Audiology not set forth therein shall be regarded as the unlicensed practice of Audiology.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);  
Emergency Adoption Eff. April 24, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Eff. June 1, 2021.*

## **21 NCAC 64 .1104 AUTHORIZED TASKS OF AUDIOLOGY ASSISTANTS**

(a) An audiology assistant may engage in the following direct patient services:

- (1) Obtaining partial or selected case history information from patients and families;

(2) Administering audiologic screening protocols, as directed by the supervising audiologist. These screening procedures, including tests and checklists or parts of tests and checklists, shall have the purpose of determining the need for further diagnostic testing by the supervising audiologist and must meet the following criteria:

- (A) have administration protocols and methods;
- (B) consist of test items that require no more than a binary judgment (i.e., yes-no, present-absent, pass/refer);
- (C) require no more than a specifically-elicited single response; and
- (D) require no clinical interpretation by the assistant;

(3) Preparing or positioning patients for evaluation or treatment following guidelines of the supervising audiologist and of the facility;

(4) Basic hearing device repair and trouble shooting;

(5) Assistance with procedures related to the fitting and dispensing of hearing devices, not to include cerumen management. Ear mold impressions must be conducted with the supervision of an audiologist;

(6) Instructing patients in care and use of devices dispensed by the supervising audiologist; and

(7) Providing services previously mentioned through telehealth to extend access to clinical care.

(b) Subject to Paragraph (c) of this Rule, an audiology assistant must engage in the following indirect patient services:

- (1) Reporting any workplace conduct that appears to be unethical in violation of Section .0300 of this Chapter or illegal to the supervising audiologist or to the Board of Examiners;
- (2) Requesting assistance from the supervising audiologist, as needed, in order to ensure continuous service quality;
- (3) Observing universal precautions and safety procedures; and
- (4) Releasing patients only to the care of care-givers of record.

(c) Direct patient services for evaluation as set forth in Paragraph (a) of this Rule are not within the approved scope of responsibilities for assistants who are not Certified Occupational Hearing Conservationists (COHC). Audiology assistants who are not COHC may assist in the evaluation of both pediatric and adult patients, but only under the supervision of the supervising audiologist who is present in the room and attending to the assistant's activities 100 percent of the time. Audiology Assistants who are COHC may conduct unmasked pure-tone audiometry under supervision by the licensee for adult patients. Direct patient services to children under the age of 21 years old are not within the approved scope of activities for assistants unless under the supervision of the supervising audiologist who is physically

present in the room and attending to 100 percent of the assistant's activities.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);  
Emergency Adoption Eff. April 24, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Eff. June 1, 2021.*

**21 NCAC 64 .1105 SUPERVISION AND  
CONTINUING COMPETENCE REQUIREMENTS**

Following registration by a supervising audiologist, a registered assistant shall:

- (1) discuss job expectations with the supervising audiologist(s) in order to have a mutual understanding of job scope and responsibilities;
- (2) participate in a specified amount of supervised training according to a written plan for all tests and clinical equipment that will be used for assessment and treatment of the patient;

- (3) receive employment evaluations on a scheduled basis from the supervising audiologist(s) to assess the assistant's performance, strengths, and weaknesses of the assistant and to establish development goals for continuous performance improvement;
- (4) request assistance, additional instruction, and additional supervision from the supervising audiologist, when needed;
- (5) participate in various types of educational activities in order to enhance skill and knowledge, as assigned by the supervising audiologist; and
- (6) read information assigned by the audiologist.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);  
Emergency Adoption Eff. April 24, 2020;  
Temporary Adoption Eff. June 26, 2020;  
Eff. June 1, 2021.*

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## **RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission July 15, 2021 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 2<sup>nd</sup> 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  
Robert A. Rucho

#### **Appointed by House**

Anna Baird Choi (1st Vice Chair)  
Andrew P. Atkins (2nd Vice Chair)  
Paul Powell  
Randy Overton  
Barbara A. Jackson

### **COMMISSION COUNSEL**

Amber Cronk May      984-236-1936  
Amanda Reeder      984-236-1939

### **RULES REVIEW COMMISSION MEETING DATES**

July 15, 2021      August 19, 2021  
September 16, 2021      October 21, 2021

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### **AGENDA**

#### **RULES REVIEW COMMISSION**

**THURSDAY, JULY 15, 2021, 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. Coastal Resources Commission – 15A NCAC 07J .0403, .0404, .0405, .0407, .0410; 07K .0207 (Snyder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between May 21, 2021, through June 21, 2021
  - Social Services Commission 10A NCAC 70M (Reeder)
  - Social Services Commission 10A NCAC 71, 72 (May)
  - Department of Insurance (Reeder)
  - Industrial Commission (Reeder)
  - Criminal Justice Education and Training Standards Commission (Reeder)
  - Sheriffs' Education and Training Standards Commission (Reeder)
  - Coastal Resources Commission (Reeder)
  - Board of Dental Examiners (May)
  - Medical Board/Board of Nursing 21 NCAC 32M (Reeder)
  - Medical Board (Reeder)
  - Board of Nursing/Medical Board 21 NCAC 36 (Reeder)
  - Board of Pharmacy (Reeder)
  - Social Work Certification and Licensure Board (May)
  - Veterinary Medical Board (Reeder)
  - Office of Administrative Hearings
  - Building Code Council (Reeder)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review

- VII. Commission Business
- Next meeting: August 19, 2021
- 

**Commission Review**  
*Log of Permanent Rule Filings*  
**May 21, 2021 through June 21, 2021**

**SOCIAL SERVICES COMMISSION**

The rules in Chapter 70 concern Children's Services.

The rules in Subchapter 70M concern adoption standards including general provisions (.0100); organization and administration (.0200); functions of a public adoption agency (.0300); regular monthly cash adoption assistance and vendor payments (.0400); out-of-state adoption fees (.0500); non-recurring adoption costs (.0600); and special need adoption incentive fund (.0700).

<u>Definitions</u>	10A NCAC 70M .0102
Adopt*	
<u>Public Adoption Agencies</u>	10A NCAC 70M .0201
Readopt with Changes*	
<u>Functions of a Public Adoption Agency</u>	10A NCAC 70M .0301
Readopt with Changes*	
<u>Services to Adoptive Applicants</u>	10A NCAC 70M .0302
Readopt with Changes*	
<u>Multiethnic Placement Act Requirements for Adoptive Home ...</u>	10A NCAC 70M .0304
Readopt with Changes*	
<u>Regular Monthly Cash Adoption Assistance and Vendor Payments</u>	10A NCAC 70M .0401
Readopt with Changes*	
<u>Eligibility Requirements for Regular Monthly Cash Assista...</u>	10A NCAC 70M .0402
Readopt with Changes*	
<u>Procedures/Reimbursement of Adoption Assistance Benefits</u>	10A NCAC 70M .0403
Readopt without Changes*	
<u>Eligibility Requirements for the Special Children Adoptio...</u>	10A NCAC 70M .0404
Readopt/Repeal*	
<u>Payments from the Special Children Adoption Incentive Fund</u>	10A NCAC 70M .0405
Readopt/Repeal*	
<u>Out of State Adoption Fees</u>	10A NCAC 70M .0501
Readopt with Changes*	
<u>General Eligibility Requirements</u>	10A NCAC 70M .0502
Readopt/Repeal*	
<u>Public Adoption Agency Requirements</u>	10A NCAC 70M .0601
Readopt with Changes*	
<u>Eligible Non-Recurring Adoption Expenses</u>	10A NCAC 70M .0602
Readopt with Changes*	
<u>Requirements</u>	10A NCAC 70M .0603
Readopt/Repeal*	
<u>Prohibition on Reimbursement Caps</u>	10A NCAC 70M .0604
Readopt with Changes*	
<u>Eligibility Requirements for the Special Need Adoption In...</u>	10A NCAC 70M .0701
Adopt*	
<u>Payments from the Special Need Adoption Incentive Fund</u>	10A NCAC 70M .0702



Adopt\*

The rules in Subchapter 71K concern problem pregnancy services.

<u>Methods of Provision</u>	10A NCAC 71K .0101
Readopt/Repeal*	
<u>Freedom of Choice</u>	10A NCAC 71K .0102
Readopt/Repeal*	

The rules in Chapter 71 concern adult and family support.

The rules in Subchapter 71L concern the maternity home funds.

<u>Nature and Scope</u>	10A NCAC 71L .0101
Readopt with Changes*	
<u>Approval Criteria</u>	10A NCAC 71L .0102
Readopt with Changes*	
<u>Application Process</u>	10A NCAC 71L .0103
Readopt with Changes*	
<u>Additional Requirements for the Private Agency</u>	10A NCAC 71L .0104
Readopt/Repeal*	
<u>Procedure for Approval and Payment</u>	10A NCAC 71L .0105
Readopt with Changes*	
<u>Development of Service Plan</u>	10A NCAC 71L .0106
Adopt*	
<u>Assessing the Appropriateness of Alternative Types of Liv...</u>	10A NCAC 71L .0107
Adopt*	

The rules in Subchapter 71O concern refugee assistance services.

<u>Refugee Assistance Services</u>	10A NCAC 71O .0101
Readopt without Changes*	
<u>Service Goals</u>	10A NCAC 71O .0102
Readopt with Changes*	
<u>Methods of Service Provision</u>	10A NCAC 71O .0103
Readopt with Changes*	
<u>Eligibility</u>	10A NCAC 71O .0104
Readopt with Changes*	

The rules in Chapter 71 are from the Social Services Commission and cover various adult and family support services. These are generally administered by the Division of Social Services within the Department of Health and Human Services. The rules in Subchapter 71U cover the Food Assistance Program. They include administration and supervision (.0100); all the program's substantive requirements transferred from the program manual (.0200); the substantive requirements to complete various forms (.0300); and electronic benefit transfer cards and fair hearings (.0400).

<u>Administration and Supervision</u>	10A NCAC 71U .0101
Readopt with Changes*	
<u>Intentional Program Violation Disqualification</u>	10A NCAC 71U .0201
Readopt with Changes*	
<u>Fair Hearings</u>	10A NCAC 71U .0203
Readopt/Repeal*	
<u>Denial of Zero Benefit Households</u>	10A NCAC 71U .0204
Readopt without Changes*	
<u>Immediate Termination or Reduction of Assistance</u>	10A NCAC 71U .0205
Readopt without Changes*	

<u>Standard Utility Allowances</u> Readopt without Changes*	10A NCAC 71U .0206
<u>Social Security Numbers</u> Readopt without Changes*	10A NCAC 71U .0207
<u>Second Party Review</u> Readopt without Changes*	10A NCAC 71U .0209
<u>Income Exclusions</u> Readopt without Changes*	10A NCAC 71U .0210
<u>Vehicle Determinations</u> Readopt/Repeal*	10A NCAC 71U .0211
<u>Transitional FNS Benefits</u> Readopt without Changes*	10A NCAC 71U .0212
<u>Simplified Reporting</u> Readopt with Changes*	10A NCAC 71U .0213
<u>Deductions</u> Readopt/Repeal*	10A NCAC 71U .0214
<u>Resource Exclusions</u> Readopt without Changes*	10A NCAC 71U .0215
<u>Medical Deductions for Medicare Prescription Drug Card Be...</u> Readopt/Repeal*	10A NCAC 71U .0216
<u>Household Application</u> Readopt without Changes*	10A NCAC 71U .0302
<u>Authorized Representative Form</u> Readopt without Changes*	10A NCAC 71U .0303
<u>Electronic Benefit Transfer (EBT) Card Replacement Fee</u> Readopt without Changes*	10A NCAC 71U .0401
<u>Fair Hearings</u> Readopt/Repeal*	10A NCAC 71U .0402

The rules in Subchapter 71V concern the low income energy assistance program.

<u>Groups Covered</u> Readopt with Changes*	10A NCAC 71V .0102
<u>Eligibility Requirements</u> Readopt with Changes*	10A NCAC 71V .0103
<u>Benefit Levels</u> Readopt/Repeal*	10A NCAC 71V .0104
<u>Method of Payment</u> Readopt with Changes*	10A NCAC 71V .0105
<u>Duplicate Payments and Overpayments</u> Readopt with Changes*	10A NCAC 71V .0106
<u>Suspected Fraud</u> Readopt with Changes*	10A NCAC 71V .0107
<u>Appeals</u> Readopt/Repeal*	10A NCAC 71V .0108
<u>Eligibility Requirements</u> Readopt with Changes*	10A NCAC 71V .0201
<u>Benefit Levels</u> Readopt with Changes*	10A NCAC 71V .0202
<u>Method of Payment</u> Readopt with Changes*	10A NCAC 71V .0203
<u>Overpayments and Suspected Fraud</u> Readopt with Changes*	10A NCAC 71V .0204

<u>Appeals</u>	10A NCAC 71V .0205
Readopt/Repeal*	
The rules in Subchapter 71W concern general program administration (.0100); coverage (.0200); application process (.0300); eligibility factors (.0400); redetermination of eligibility (.0500); payment procedures (.0600); emergency assistance coverage (.0700); unemployed parent program (.0800); and transitional child care (.0900).	
<u>Definitions</u>	10A NCAC 71W .0101
Readopt with Changes*	
<u>Initial Interview</u>	10A NCAC 71W .0302
Readopt with Changes*	
<u>Eligibility Determination Process</u>	10A NCAC 71W .0303
Readopt without Changes*	
<u>Effective Date</u>	10A NCAC 71W .0304
Readopt without Changes*	
<u>United States Citizenship</u>	10A NCAC 71W .0403
Readopt without Changes*	
<u>Kinship and Living with a Specified Relative</u>	10A NCAC 71W .0404
Readopt with Changes*	
<u>Residence</u>	10A NCAC 71W .0405
Readopt with Changes*	
<u>Dreams</u>	10A NCAC 71W .0407
Readopt with Changes*	
<u>Income</u>	10A NCAC 71W .0408
Readopt with Changes*	
<u>Prospective Budgeting and Quarterly Reporting</u>	10A NCAC 71W .0410
Readopt with Changes*	
<u>Jobs Program (JOBS)</u>	10A NCAC 71W .0412
Readopt/Repeal*	
<u>Two-Parent Families</u>	10A NCAC 71W .0413
Readopt/Repeal*	
<u>Interview</u>	10A NCAC 71W .0502
Readopt without Changes*	
<u>Home Visits</u>	10A NCAC 71W .0503
Readopt without Changes*	
<u>Check Issuance</u>	10A NCAC 71W .0601
Readopt with Changes*	
<u>Receipt and Use of Checks</u>	10A NCAC 71W .0602
Readopt/Repeal*	
<u>Lost, Stolen and Forged Checks</u>	10A NCAC 71W .0603
Readopt/Repeal*	
<u>Correction of Overpayments</u>	10A NCAC 71W .0604
Readopt with Changes*	
<u>Corrections of Underpayments</u>	10A NCAC 71W .0605
Readopt without Changes*	
<u>Client Fraud and Intentional Violations</u>	10A NCAC 71W .0606
Readopt with Changes*	
<u>Determination of Payment Amount</u>	10A NCAC 71W .0607
Readopt/Repeal*	
<u>Benefit Levels</u>	10A NCAC 71W .0704
Readopt with Changes*	

The rules in Chapter 72 concern educational assistance including general rules (.0100); eligibility (.0200); and application (.0300).

Definitions 10A NCAC 72 .0102  
Amend\*

## **INSURANCE, DEPARTMENT OF**

The rules in Chapter 6 are from the Agent Services Division.

The rules in Subchapter 6A cover general provisions (.0100); forms (.0200); examinations (.0300); licensing (.0400); license renewals and cancellations (.0500); license denials (.0600); prelicensing education (.0700); continuing education (.0800); and public adjusters (.0900).

Licensing of Resident Agent, LTD Representative and Adjuster 11 NCAC 06A .0402  
Amend\*

Renewal of Agent Appts: Licenses/Limited Reps 11 NCAC 06A .0501  
Amend\*

The rules in Chapter 13 are from the Agent Services Division - Non-Insurance Entities including general provisions (.0100); insurance premium finance companies (.0300); motor clubs (.0400); and bail bondsmen and runners (.0500).

Salesmen to be Licensed Insurance Agents 11 NCAC 13 .0410  
Amend\*

## **INDUSTRIAL COMMISSION**

The rules in Subchapter 23E concern the administrative rules of the Industrial Commission including administration (.0100); fees (.0200); and the rules of the commission (.0300).

Emergency Orders and Directives of the Chief Justice of t... 11 NCAC 23E .0302  
Adopt\*

## **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).

Summary Suspensions 12 NCAC 09A .0206  
Amend\*

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).

Minimum Standards for Criminal Justice Officers 12 NCAC 09B .0101  
Amend\*

Certification Training for School Resource Officers 12 NCAC 09B .0313  
Amend\*

Trainee Attendance 12 NCAC 09B .0404  
Amend\*

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers-intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Physical and Mental Standards</u>	12	NCAC	09G	.0205
Amend*				
<u>Moral Character</u>	12	NCAC	09G	.0206
Amend*				
<u>Suspension: Revocation: or Denial of Certification</u>	12	NCAC	09G	.0504
Amend*				
<u>Summary Suspension</u>	12	NCAC	09G	.0506
Amend*				

### **SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); and firearms in-service training and re-qualification (.2100).

<u>Certification and Training for School Resources Officers</u>	12	NCAC	10B	.0510
Amend*				

### **COASTAL RESOURCES COMMISSION**

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

<u>AECs Within Ocean Hazard Areas</u>	15A	NCAC	07H	.0304
Amend*				
<u>Technical Standards for Beach Fill Projects</u>	15A	NCAC	07H	.0312
Amend*				

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

<u>Requesting the Static Line Exception</u> Readopt without Changes*	15A NCAC 07J .1201
<u>Review of the Static Line Exception Request</u> Readopt without Changes*	15A NCAC 07J .1202
<u>Procedure for Approving the Static Line Exception</u> Readopt without Changes*	15A NCAC 07J .1203
<u>Review of the Large-Scale Beach-Fill Project and Approved...</u> Readopt without Changes*	15A NCAC 07J .1204
<u>Revocation and Expiration of the Static Line Exception</u> Readopt without Changes*	15A NCAC 07J .1205
<u>Local Government and Communities with Static Vegetation L...</u> Readopt without Changes*	15A NCAC 07J .1206
<u>Requesting the Development Line</u> Readopt without Changes*	15A NCAC 07J .1301
<u>Procedures for Approving the Development Line</u> Readopt without Changes*	15A NCAC 07J .1302
<u>Local Governments and Communities with Development Lines</u> Readopt without Changes*	15A NCAC 07J .1303

The rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

<u>Single Family Residences Exempted</u> Readopt without Changes*	15A NCAC 07K .0208
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## **DENTAL EXAMINERS, BOARD OF**

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

<u>Application for General Anesthesia or Sedation Permit, Pe...</u> Adopt*	21 NCAC 16Q .0102
<u>Itinerant (Mobile) General Anesthesia Permit, Equipment a...</u> Amend*	21 NCAC 16Q .0206
<u>Annual Review of General Anesthesia and Itinerant (Mobile...</u> Amend*	21 NCAC 16Q .0207
<u>Annual Renewal of Moderate Parenteral and Enteral Conscio...</u> Amend*	21 NCAC 16Q .0305
<u>Annual Renewal of Moderate Pediatric Conscious Sedation P...</u> Amend*	21 NCAC 16Q .0407
<u>Minimal Conscious Sedation Credentials and Permit</u> Amend*	21 NCAC 16Q .0504
<u>Minimal Conscious Sedation Clinical Requirements and Equi...</u> Amend*	21 NCAC 16Q .0505
<u>Annual Renewal of Minimal Conscious Sedation Permit</u>	21 NCAC 16Q .0506

Adopt\*

Procedure for Minimal Conscious Sedation Evaluation or In...  
Adopt\*

21 NCAC 16Q .0507

## **MEDICAL BOARD/BOARD OF NURSING**

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

Prescribing Authority  
Amend\*

21 NCAC 32M .0109

## **MEDICAL BOARD**

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

Reporting Criteria  
Amend\*

21 NCAC 32M .0117

## **NURSING, BOARD OF/NC MEDICAL BOARD**

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

Prescribing Authority  
Amend\*

21 NCAC 36 .0809

## **PHARMACY, BOARD OF**

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

Compounding  
Amend\*

21 NCAC 46 .2801

## **SOCIAL WORK CERTIFICATION AND LICENSURE BOARD**

The rules in Chapter 63 deal with Social Work Certification including general rules (.0100); certification (.0200); examinations (.0300); renewal of certification (.0400); ethical guidelines (.0500); disciplinary procedures (.0600); adoption of rules (.0700); and professional corporations and limited liability companies.

Work Experience  
Amend\*

21 NCAC 63 .0211

## **VETERINARY MEDICAL BOARD**

The rules in Chapter 66 are from the Veterinary Medical Board including statutory and administrative provisions (.0100); practice of veterinary medicine (.0200); examination and licensing procedures (.0300); rules petitions

hearings (.0400); declaratory rulings (.0500); administrative hearings procedures (.0600); administrative hearings decisions related rights (.0700) and judicial review (.0800).

Veterinary Telemedicine 21 NCAC 66 .0211  
 Adopt\*

## **ADMINISTRATIVE HEARINGS, OFFICE OF**

The rules in Chapter 1 are general provisions for the Office of Administrative Hearings including petition for rule-making and declaratory rulings.

Cost To Public 26 NCAC 01 .0103  
 Amend\*

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100); mediated settlement conferences (.0200); simplified procedures for medicaid applicant and recipient appeals (.0400); and electronic filing (.0500).

Official Record 26 NCAC 03 .0123  
 Amend\*

## **BUILDING CODE COUNCIL**

2018 NC Residential Code/Mandatory Requirements N1106.2  
 Amend\*

2018 NC Residential Code/General M1402.1  
 Amend\*

2018 NC Residential Code/Heat Pumps M1403.1  
 Amend\*

NC Residential Code/References UL/CSA/ANCE 60335-2-40 & A... Chapter 44  
 Amend\*

2018 NC Building Code 403.4.5/916  
 Amend\*

2018 NC Mechanical Code/General 908.1  
 Amend\*

2018 NC Mechanical Code/Forced-Air Furnaces and Heat Pumps 918.1/918.2  
 Amend\*

2018 NC Mechanical Code/Factory-Built Equipment and Appli... 1101.2  
 Amend\*

2018 NC Mechanical Code/References UL/CSA 60335-2-40 & AS... Chapter 15  
 Amend\*

2018 NC Energy Code/Definitions Chapter 2  
 Amend\*

2018 NC Energy Code/Mandatory Requirements R406.2  
 Amend\*

2018 NC Fire Code/Revocation 304.4.4  
 Repeal\*

2018 NC Fire Code/Emergency Responder Communications Cove... 510  
 Amend\*

2020 NC Electrical Code  
 Adopt\*



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**CONTESTED CASE DECISIONS**

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*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](mailto: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  
J. Randall May  
David Sutton  
Selina Malherbe

J. Randolph Ward  
Stacey Bawtinheimer  
Michael Byrne  
Karlene Turrentine

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<b><u>Published</u></b>			
20	CPS	03025	5/21/2021	Jonathan E Blood	v.	NC Crime Victims Compensation Commission	Sutton
20	DOJ	04576	5/10/2021	Abraham Jeremiah McMillion	v.	NC Criminal Justice Education and Training Standards Commission	May
20	DOJ	04990	5/21/2021	Trashunda Mo'na Keyes	v.	NC Sheriffs Education and Training Standards Commission	Bawtinheimer
19	DST	02895; 02896; 02897; 02898; 02899; 02900; 03752	5/28/2021	Davidson County Board of Education; Henderson County Board of Education; Blue Ridge Community College Board of Trustees; Granville County Board of Education; Mitchell County Board of Education; Moore County Board of Education; Elkin City Schools Board of Education	v.	Retirement Systems Division Department of State Treasurer	Culpepper
19; 20	DST	03422; 03424; 03425; 03430; 03431; 03444; 03753;	5/28/2021	Wilkes County Board of Education on Behalf of The Wilkes County Schools; Johnston County Board of Education on	v.	NC Retirement Systems Division Office of State Treasurer; Retirement Systems Division Office of State Treasurer; Retirement Systems Division Office of State Treasurer; Retirement Systems Division Department of State Treasurer;	Culpepper

**CONTESTED CASE DECISIONS**

		03754; 06275; 02876; 02877		Behalf of The Johnston County Schools; Union County Board of Education on Behalf of The Union County Schools; Clinton City Schools Board of Education; Wake County Board of Education; Chapel Hill-Carrboro Board of Education; Lincoln County Board of Education; Granville County Board of Education; Scotland County Board of Education; Madison County Board of Education; Swain County Board of Education		Retirement Systems Division Department of State Treasurer; Retirement Systems Division Department of State Treasurer; Retirement Systems Division Department of State Treasurer; Retirement Systems Division Department of State Treasurer; Retirement Systems Division Department of State Treasurer; NC Department of State Treasurer, Retirement Systems Division; NC Department of State Treasurer, Retirement Systems Division	
20	INS	04908	5/12/2021	Kimberly Jo Salisbury	v.	North Carolina State Health Plan	May
21	INS	00333	5/13/2021	Beth Anne Ulrich	v.	NC State Health Plan	Bawtinheimer
18	OSP	04894	5/26/2021	Iris S Brown	v.	New Hanover CC/DPS	Lassiter
				<b><u>Unpublished</u></b>			
19	CSE	05954	5/10/2021	Ramon Sepulveda	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Culpepper
20	CSE	04151	5/17/2021	Jack R Doughten	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04294	5/11/2021	Nigel Kelly	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
20	CSE	04318	5/11/2021	Martin Delgado	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
20	CSE	04331	5/3/2021	Kevin E Hedgepeth	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	04332	5/3/2021	Kevin E Hedgepeth	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	04351	5/4/2021	Steven M Hunsinger	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter

**CONTESTED CASE DECISIONS**

20	CSE	04392	5/12/2021	Justin Haley Freeman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04395	5/20/2021	Jason Cooper	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04484	5/11/2021	Richard W Williams	v.	Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04496	5/11/2021	Daniel David Hayes III	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04497	5/11/2021	James Grant	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04510	5/5/2021	Salim H Laverpool	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04513	5/19/2021	Graciano Ramos-Hernandez	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Turrentine
20	CSE	04515	5/18/2021	Kenneth Foster	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04533	5/19/2021	Robert A Ball	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	04559	5/11/2021	Antonio Adams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04570	5/3/2021	Phillip G Covington	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04601	5/21/2021	Richard E Copeland	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04606	5/5/2021	Robert Jenkins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04612	5/20/2021	Darryl Adderly	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04628	5/18/2021	Mour Mamadou Diop	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04666	5/11/2021	Kevin G Landis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04668	5/5/2021	Eric M Taylor Sr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04691	5/10/2021	Juan R Edwards	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	04715	5/4/2021	Martin Cridge Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne

**CONTESTED CASE DECISIONS**

20	CSE	04722	5/21/2021	Vincent A Lzediuno	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04777	5/28/2021	Persivia Collins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	04992	5/3/2021	Teresa Myers	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	05080	5/7/2021	Trudy Ann Brown	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
21	CSE	00011	5/3/2021	Kathryn Edgecombe	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
21	CSE	01242	5/7/2021	Chris Newman Jr.	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
21	CSE	01298	5/24/2021	Kenneth Cox	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
21	DCS	01457	5/13/2021	Jessamy Hubbard	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
21	DHR	00418	5/5/2021	Hotel Indigo Carolos Rubio	v.	NC Department of Health and Human Services	Mann
21	DHR	00992	5/3/2021	Absolute Home & Community Services Inc	v.	NC Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification	Byrne
21	DHR	01470	5/12/2021	David Michael Kistler	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
21	INS	01385	5/12/2021	Megan E Gavin	v.	State Health Plan	Byrne
21	INS	01490	5/13/2021	Deyonta M Thacker	v.	North Carolina Department of State Treasurer	Malherbe
21	INS	01491	5/20/2021	Michael K Silver	v.	North Carolina Department of Treasurer	Malherbe
21	MIS	01190	4/16/2021; 5/10/2021	Shahsultan Jaffer	v.	Durham Police Department and Durham Civilian Review Board	Byrne
21	OSP	01614	5/14/2021	Tabitha C Moore	v.	Rutherford County Department of Social Services	Byrne