

NORTH CAROLINA REGISTER

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June 15, 2022

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PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947*

*Donald R. van der Vaart, Director
Ashley B. Snyder, Codifier of Rules
Dana McGhee, Publications Coordinator
Cathy Matthews-Thayer, Editorial Assistant*

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.

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

Raleigh, North Carolina 27609

984-236-1850

984-236-1947 FAX

contact: Ashley B. Snyder, Codifier of Rules

ashley.snyder@oah.nc.gov

984-236-1941

Dana McGhee, Publications Coordinator

dana.mcghee@oah.nc.gov

984-236-1937

Cathy Matthews-Thayer, Editorial Assistant

cathy.thayer@oah.nc.gov

984-236-1901

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

Raleigh, North Carolina 27609

984-236-1850

984-236-1947 FAX

contact: Brian Liebman, Commission Counsel

brian.liebman@oah.nc.gov

984-236-1948

Lawrence Duke, Commission Counsel

lawrence.duke@oah.nc.gov

984-236-1938

William W. Peaslee, Commission Counsel

bill.peaslee@oah.nc.gov

984-236-1939

Alexander Burgos, Paralegal

alexander.burgos@oah.nc.gov

984-236-1940

Julie Brincefield, Administrative Assistant

julie.brincefield@oah.nc.gov

984-236-1935

Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Carrie Hollis, Economic Analyst

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@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

919-733-2578

919-715-5460 FAX

Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER
Publication Schedule for January 2022 – December 2022

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
36:13	01/03/22	12/08/21	01/18/22	03/04/22	03/21/22	04/21/2022	05/01/22	09/30/22
36:14	01/18/22	12/22/21	02/02/22	03/21/22	04/20/22	05/19/2022	06/01/22	10/15/22
36:15	02/01/22	01/10/22	02/16/22	04/04/22	04/20/22	05/19/2022	06/01/22	10/29/22
36:16	02/15/22	01/25/22	03/02/22	04/18/22	04/20/22	05/19/2022	06/01/22	11/12/22
36:17	03/01/22	02/08/22	03/16/22	05/02/22	05/20/22	06/16/2022	07/01/22	11/26/22
36:18	03/15/22	02/22/22	03/30/22	05/16/22	05/20/22	06/16/2022	07/01/22	12/10/22
36:19	04/01/22	03/11/22	04/16/22	05/31/22	06/20/22	07/21/2022	08/01/22	12/27/22
36:20	04/18/22	03/25/22	05/03/22	06/17/22	06/20/22	07/21/2022	08/01/22	01/13/23
36:21	05/02/22	04/08/22	05/17/22	07/01/22	07/20/22	08/18/2022	09/01/22	01/27/23
36:22	05/16/22	04/25/22	05/31/22	07/15/22	07/20/22	08/18/2022	09/01/22	02/10/23
36:23	06/01/22	05/10/22	06/16/22	08/01/22	08/22/22	09/15/2022	10/01/22	02/26/23
36:24	06/15/22	05/24/22	06/30/22	08/15/22	08/22/22	09/15/2022	10/01/22	03/12/23
37:01	07/01/22	06/10/22	07/16/22	08/30/22	09/20/22	10/20/2022	11/01/22	03/28/23
37:02	07/15/22	06/23/22	07/30/22	09/13/22	09/20/22	10/20/2022	11/01/22	04/11/23
37:03	08/01/22	07/11/22	08/16/22	09/30/22	10/20/22	11/17/2022	12/01/22	04/28/23
37:04	08/15/22	07/25/22	08/30/22	10/14/22	10/20/22	11/17/2022	12/01/22	05/12/23
37:05	09/01/22	08/11/22	09/16/22	10/31/22	11/21/22	12/15/2022	01/01/23	05/29/23
37:06	09/15/22	08/24/22	09/30/22	11/14/22	11/21/22	12/15/2022	01/01/23	06/12/23
37:07	10/03/22	09/12/22	10/18/22	12/02/22	12/20/22	01/19/2023	02/01/23	06/30/23
37:08	10/17/22	09/26/22	11/01/22	12/16/22	12/20/22	01/19/2023	02/01/23	07/14/23
37:09	11/01/22	10/11/22	11/16/22	01/03/23	01/20/23	02/16/2023	03/01/23	07/29/23
37:10	11/15/22	10/24/22	11/30/22	01/17/23	01/20/23	02/16/2023	03/01/23	08/12/23
37:11	12/01/22	11/07/22	12/16/22	01/30/23	02/20/23	03/16/2023	04/01/23	08/28/23
37:12	12/15/22	11/22/22	12/30/22	02/13/23	02/20/23	03/16/2023	04/01/23	09/11/23

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.



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

Mr. Robert N. Hunter, Jr.
301 N. Elm Street, Suite 800
Greensboro, NC 27401

May 13, 2022

Re: Request for an Advisory Opinion under N.C.G.S. § 163-278.23 regarding referendum committee organization.

Dear Mr. Hunter,

Thank you for contacting our office. Your questions relate to an initiative petition to amend the municipal charter in Jacksonville, North Carolina. You shared that your client is gathering signatures pursuant to G.S. § 160A-104 to submit to the city council. If enough valid signatures are obtained and submitted, the council shall call a special election on the question of adopting the proposed charter amendment. G.S. § 160A-104.

Specifically, you asked:

- (1) Before my client begins spending money on signature gathering, is he and those he associates with required to file an organizational report?
- (2) After it is organized and before the petition signatures are certified by the County Board of Elections for placement on the ballot, is the entity required to report its receipts and expenditures under the North Carolina Campaign Finance Act?
- (3) In the event the matter is placed on the ballot, will he and associates be required then to file an organizational report and subsequent reports detailing their contributions and expenditures opposing or supporting the measure.

In addition to primaries and elections for North Carolina offices, North Carolina's campaign finance laws apply to North Carolina referenda. G.S. § 163-278.5. Referendum committees are required to appoint a treasurer and disclose information to the board of elections. G.S. § 163-278.7(a). Disclosure reports are filed with the State Board of Elections with respect to all statewide referenda and the county board of elections with respect to all local referenda. G.S. § 163-278.6(3).

A "referendum committee" is:

[A] combination of two or more individuals such as a committee, association, organization, or other entity or a combination of two or more business entities, corporations, insurance companies, labor unions, or professional associations such as a committee, association, organization, or other entity the primary purpose of which is to support or oppose the passage of any referendum on the ballot.

G.S. § 163-278.6(84). To qualify as a referendum committee, the primary purpose of the entity must be “to support or oppose the passage of any referendum on the ballot.” To determine whether an entity is a referendum committee, there is the threshold question of whether there is a referendum on the ballot.

A "referendum" is defined in G.S. § 163-278.6(82) to include:

[A]ny question, issue, or act referred to a vote of the people of the entire State by the General Assembly, a unit of local government, or by the people under any applicable local act and includes constitutional amendments and State bond issues. The term "referendum" includes any type of municipal, county, or special district referendum and any initiative or referendum authorized by a municipal charter or local act. A recall election shall not be considered a referendum within the meaning of this Article.

A question, issue, or act must be *referred* to a vote of the people to be a referendum. The definition makes no distinction between municipal referendums and initiatives – both are included under the term referendum. Authorization may come from law, municipal charter, or local act.

Initiative petitions for municipal charter amendments are governmental by G.S. § 160A-104. The “initiative petition” process involves gathering valid signatures and addresses from the requisite number of qualified voters in the city, but it is not the final step in referring a proposed amendment, or “referendum”, to a vote. While the city council does not have discretion to deny a valid petition once it has been received, under G.S. § 160A-104 the city council must still engage in the ministerial act of calling a special election. The question of adoption of the proposed charter amendment is not placed on the ballot until after this act takes place. The question is not referred to a vote, and thus not a referendum, until after the city council calls a special election. With regards to questions (1) and (2), while the primary purpose of the group may be to support a proposed charter amendment, the primary purpose of the group cannot be to support a referendum on the ballot until the city council calls the special election. Until the city council acts, the group is not required to file an organizational report or disclose any contributions received or expenditures made in support of the proposed charter amendment.

As to question (3), once a special election has been called by the municipality, if the primary purpose of the group is to support the referendum and all other

requirements of G.S. 163-278.6(84) have been met, the group is a referendum committee. Once an entity meets the definition of a referendum committee it is required to organize by appointing a treasurer and, under verification, reporting the name and address of the treasurer to the applicable board of elections on a statement of organization. G.S. § 163-278.7(a). An organizational disclosure report is due to the board of elections no later than the tenth day following organization of the referendum committee. G.S. § 163-278.9A(a). Thereafter, the referendum committee must continue to file disclosure reports consistent with the reporting schedule in G.S. § 163-278.9A. The organizational disclosure report must list all contributions and expenditures of the referendum committee since organization. A contribution is anything of value whatsoever, made to, or in coordination with, a referendum committee. G.S. § 163-278.6(13). An expenditure is anything of value whatsoever, whether made in an election year, to support or oppose the passage of a ballot measure. G.S. § 163-278.6(51).

The opinion will be filed with the Codifier of Rules to be published unedited in the North Carolina Register and North Carolina Administrative Code.

Sincerely,



Karen Brinson Bell
Executive Director
North Carolina State Board of Elections

Cc: Ashley B. Snyder, Codifier of Rules

HIGGINS  BENJAMIN

♦ ATTORNEYS AT LAW ♦

301 N. Elm Street, Suite 800, Greensboro, N.C. 27401-2260
P.O. Box 20570, Greensboro, N.C. 27420-0570
Phone: 336-273-1600 • Fax: 336-274-4650
www.greensborolaw.com

Robert N. Hunter, Jr.
336.808.8012
mhunterjr@greensborolaw.com, 2022

April 6, 2022

*Via Email (karen.bell@ncsbe.gov)
and U.S. Mail*

Karen Brinson Bell, Executive Director
North Carolina State Board of Elections
Dobbs Building - Third Floor
430 N Salisbury St
6400 Mail Service Center
Raleigh NC 27603-1362

Re: Opinion Request under N.C.G.S. § 163-278.23

Dear Ms. Bell:

I am writing pursuant to N.C.G.S. § 163-278.23 to request an advisory opinion regarding the applicability of the N.C. Campaign Finance Act to the process of gathering petition signature to authorize a referendum under N. C. Gen. Stat. 160A-104 Initiative Petition for Charter Amendments. I represent a citizen of Jacksonville, North Carolina who desires to gather signatures to place a change on the method of electing city officials in Jacksonville. Other citizens are likely to help in this effort by volunteer efforts and by donating money. This initiative procedure may result in a "referendum" under the statute cited above, as it does not appear to be regulated under the Campaign Finance Act.

I am writing to ask the following questions:

- (1) Before my client begins spending money on signature gathering, is he and those he associates with required to file an organizational report?
- (2) After it is organized and before the petition signatures are certified by the County Board of Elections for placement on the ballot, is the entity required to report its receipts and expenditures under the North Carolina Campaign Finance Act?
- (3) In the event the matter is placed on the ballot, will he and his associates be required then to file an organization report and subsequent reports detailing their contributions and expenditures opposing or supporting the measure?

Higgins Benjamin, PLLC
Comprehensive Legal Solutions

Karen Brinson Bell, Executive Director
North Carolina State Board of Elections
April 6, 2022
Page 2 of 2

My questions arise as a result of reading the United States Supreme Court's Opinion in *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995). Because my client may begin gathering signatures on or before the May primary, the favor of a prompt reply would be appreciated. I understand your opinion can be relied upon to avoid prosecution or be the subject of a civil action on account of the procedures being followed. By copy of this letter via email and U.S. Mail, I am sending these questions to Paul Cox, your legal counsel.

Sincerely yours,



Robert N. Hunter, Jr.

RNH/pj

cc: Paul Cox (Via Email to paul.cox@ncsboe.gov and U.S. Mail)

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.*

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Medical Care Commission intends to readopt with substantive changes the rules cited as 10A NCAC 13F .0904 and 13G .0904.

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

Proposed Effective Date: *January 1, 2023*

Public Hearing:

Date: *July 19, 2022*

Time: *10:00 a.m.*

Location: *Dorothea Dix Park, Brown Building, Room 104, 801 Biggs Drive, Raleigh, NC 27603*

Reason for Proposed Action: *Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 13F, Licensing of Adult Care Homes of Seven or More Beds, and 10A NCAC 13G, Licensing of Family Care Homes, these two proposed re Adoption rules were part of the 97 total rules determined as “Necessary With Substantive Public Interest,” requiring re Adoption. With input from stakeholders, substantive changes are proposed to two rules for re Adoption for the regulation of licensed Adult Care Homes and Family Care Homes in N.C. An additional intent of the proposed rules is to make the rules of these two types of assisted living residences comparable, if not the same, for regulatory efficiency since they both house the same type of residents as permitted by law.*

The proposed rules for Adult Care Homes and Family Care Homes update nutrition and food service standards based on the U.S. Department of Agriculture Dietary Guidelines for Americans for regular diets, increase dairy serving requirements from two to three times per day and expand the definition of dairy. The proposed rules add references to the food service sanitation rules in 15A NCAC 18A of the Code and add a definition for therapeutic diet. In addition, the proposed rules update standards, clarify rule text, remove unnecessary text, make technical changes, and remove unnecessary and outdated requirements.

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

Comment period ends: *August 15, 2022*

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 984-236-1850.

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

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

CHAPTER 13 - NC MEDICAL CARE COMMISSION

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

SECTION .0900 – RESIDENT CARE AND SERVICES

10A NCAC 13F .0904 NUTRITION AND FOOD SERVICE

(a) Food Procurement and Safety in Adult Care Homes:

- (1) The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination. Facilities with a licensed capacity of 7 to 12 residents shall ensure food services comply with Rules Governing the Sanitation of Residential Care Facilities set forth in 15A NCAC 18A .1600 which are hereby incorporated by reference, including subsequent amendments, assuring storage, preparation, and serving food and beverage under sanitary conditions.
- (2) All food and beverage being procured, stored, prepared or served by the facility shall be protected from contamination. Facilities with a licensed capacity of 13 or more residents shall ensure food services comply with Rules Governing the Sanitation of Restaurants and

Other Foodhandling Establishments set forth in 15A NCAC 18A .1300 which are hereby incorporated by reference, including subsequent amendments, assuring storage, preparation, and serving of food and beverage under sanitary conditions.

- (3) All meat processing shall occur at a USDA-approved processing plant.
- (4) There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable food in the facility based on the ~~menus, menus established in Paragraph (c) of this Rule~~ for both regular and therapeutic diets.

(b) Food Preparation and Service in Adult Care Homes:

- (1) Sufficient staff, ~~space~~ space, and equipment shall be provided for safe and sanitary food storage, ~~preparation~~ preparation, and service.
- (2) Table service shall include a napkin and non-disposable place setting consisting of at least a knife, fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis and shall be based on documented needs or preferences of the resident.~~
- (3) Hot foods shall be served hot and cold foods shall be served cold.
- (4) If residents require feeding assistance, food shall be maintained at serving temperature until assistance is provided.

(c) Menus in Adult Care Homes:

- (1) Menus shall be prepared at least one week in advance with serving quantities specified and in accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for any given day for guidance of food service staff.
- (3) Any substitutions made in the menu shall be of equal nutritional value, appropriate for therapeutic ~~diets~~ diets, and documented and maintained in the kitchen to indicate the foods actually served to residents.
- (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents.
- (5) Menus as served and invoices or other receipts of purchases shall be maintained in the facility for 30 days.
- (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian~~ licensed dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed dietitian/nutritionist's approval of the therapeutic ~~diets which shall include an original signature by the registered dietitian and the registration number of the dietitian.~~ diets.

- (7) The facility shall have a matching therapeutic diet menu for all physician-ordered therapeutic diets for guidance of food service staff.

(d) Food Requirements in Adult Care Homes:

- (1) Each resident shall be served a minimum of three nutritionally ~~adequate~~ adequate based on the requirements in Subparagraph (d)(3) of this Rule, palatable meals to the residents. Meals shall be served ~~a day~~ at regular hours times comparable to normal meal times in the community. There shall be ~~with~~ at least 10 hours between the breakfast and evening meals.
- (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with residents' prescribed diet or made available to all residents as snacks between each meal for a total of three snacks per day and shown on the menu as snacks.
- (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary guidelines for Americans 2020-2025, which are hereby incorporated by reference including subsequent amendments and editions. These guidelines can be found at https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf for no cost and include the following:
 - (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk; Dairy and dairy alternatives: milk, yogurt, cheese, low-lactose or lactose-free dairy products, fortified soy beverages, and soy yogurt.~~ One cup (8 ounces) of pasteurized milk dairy or dairy alternatives at least ~~twice~~ three times a day. Milk served shall be pasteurized. Reconstituted dry milk or diluted evaporated milk may be used in cooking ~~only and not for drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used.~~ only.
 - (B) Fruit: Two servings of ~~fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit).~~ fruit; examples of one serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium-size whole fruit; or ¼ cup dried fruit. One serving shall be a citrus fruit or a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each six ounces of juice. The second fruit serving shall be of

- another variety of fresh, ~~dried~~ dried, or canned fruit.
- (C) Vegetables: Three servings of ~~vegetables (one serving equals ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable).~~ vegetables; examples of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable. One of these shall be a dark green, ~~leafy~~ leafy, or deep yellow vegetables three times a week.
- (D) Eggs: One whole egg or substitute ~~(e.g., 2 egg whites or ¼ cup of pasteurized egg product)~~ such as 2 egg whites or ¼ cup of pasteurized egg product at least three times a week at breakfast.
- (E) Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum of 4 ounces. A substitute ~~(e.g., (such as 4 tablespoons of peanut butter, 1 cup of cooked dried peas or beans beans, or 2 ounces of pure cheese)~~ may be served three times a week but not more than once a day, unless requested by the resident. Note: For the purposes of this Rule, Bacon is considered to be fat and not meat for the purposes of this Rule. does not meet the protein requirement for meat.
- (F) Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a bagel, ~~English muffin~~ English muffin, or hamburger bun; one 1 ½ -ounce muffin, 1- ounce roll, 2-ounce biscuit or 2-ounce piece of cornbread; ½ cup cooked rice or cereal ~~(e.g., (such as oatmeal or grits); ¾ cup ready-to-eat cereal; or one waffle, pancake pancake,~~ pancake, or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be included in meeting this requirement.
- (G) Fats: Include butter, oil, ~~margarine~~ margarine, or items consisting primarily of one of these ~~(e.g., such as icing or gravy)~~ these, such as icing or gravy.
- (H) Water and Other Beverages: Water shall be served to each resident at each meal, in addition to other beverages.

(e) Therapeutic Diets in Adult Care Homes:

- (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's physician. Where applicable, the therapeutic diet order shall be specific to calorie, ~~gram~~ gram, or consistency, such as for ~~calorie controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or thickened liquids, unless there are written orders ~~which~~ that include the definition of any therapeutic diet identified in the facility's therapeutic menu approved by a ~~registered~~ licensed dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician or other delegated provider that is part of the treatment for a disease or clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or potassium), or to provide mechanically altered food when indicated.
- (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be ~~brand specific,~~ brand-specific, unless the facility has defined a house supplement in its communication to the physician, and shall specify quantity and frequency.
- (3) The facility shall maintain ~~an accurate and a~~ a current listing of residents with physician-ordered therapeutic diets for guidance of food service staff.
- (4) All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as ordered by the resident's physician.
- (f) Individual Feeding Assistance in Adult Care Homes:
- (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ as needed, in accordance to residents' needs. for individual feeding assistance ~~as needed, in accordance to residents' needs.~~
- (2) Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall be unhurried and in a manner that maintains or enhances each resident's dignity and respect.
- (g) Variations from the required three meals or time intervals between meals to meet individualized needs or preferences of residents shall be documented in the resident's record.

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

SUBCHAPTER 13G – LICENSING OF FAMILY CARE HOMES

SECTION .0900 – RESIDENT CARE AND SERVICES

10A NCAC 13G .0904 NUTRITION AND FOOD SERVICE

- (a) Food Procurement and Safety in Family Care Homes:
- (1) ~~The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.~~ Food services shall comply with Rules Governing the Sanitation of Residential

Care Facilities as promulgated by the Commission for Public Health which are hereby incorporated by reference, including subsequent amendments, assuring storage, preparation, and serving food under sanitary conditions. Copies of these Rules can be accessed online at <https://ehs.ncpublichealth.com/rules.htm>, at no cost.

- (2) ~~All food and beverage being procured, stored, prepared or served by the facility shall be protected from contamination.~~
 - (3)(2) All meat processing shall occur at a USDA-approved processing plant.
 - (4)(3) There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable food in the facility based on the ~~menus~~, menus established in Paragraph (c) of this Rule, for both regular and therapeutic diets.
- (b) Food Preparation and Service in Family Care Homes:
- (1) Sufficient staff, ~~space~~ space, and equipment shall be provided for safe and sanitary food storage, ~~preparation~~ preparation, and service.
 - (2) Table service shall include a napkin and non-disposable place setting consisting of at least a knife, fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis and shall be based on documented needs or preferences of the resident.~~
 - (3) Hot foods shall be served hot and cold foods shall be served cold.
 - (4) If residents require feeding assistance, food shall be maintained at serving temperature until assistance is provided.
- (c) Menus in Family Care Homes:
- (1) Menus shall be prepared at least one week in advance with serving quantities specified and in accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
 - (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for any given day for guidance of food service staff.
 - (3) Any substitutions made in the menu shall be of equal nutritional value, appropriate for therapeutic ~~diets~~ diets, and documented and maintained in the kitchen to indicate the foods actually served to residents.
 - (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents.
 - (5) Menus as served and invoices or other receipts of purchases shall be maintained in the facility for 30 days.
 - (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian~~, licensed dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed

dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by the registered dietitian and the registration number of the dietitian. diets.

- (7) The facility shall have a matching therapeutic diet menu for all physician-ordered therapeutic diets for guidance of food service staff.
- (d) Food Requirements in Family Care Homes:
- (1) Each resident shall be served a minimum of three nutritionally ~~adequate~~, adequate based on the requirements in Subparagraph (d)(3) of this Rule, palatable meals to the residents. Meals shall be served a day at regular ~~hours~~ times comparable to normal meal times in the community. There shall be with at least 10 hours between the breakfast and evening meals.
 - (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with residents' prescribed diet or made available to all residents as snacks between each meal for a total of three snacks per day and shown on the menu as snacks.
 - (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines can be found at [https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary Guidelines for Americans-2020-2025.pdf](https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary%20Guidelines%20for%20Americans-2020-2025.pdf), at no cost and include the following:
 - (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk. Dairy and dairy alternatives: milk, yogurt, cheese, low-lactose or lactose-free dairy products, fortified soy beverages, and soy yogurt. One cup (8 ounces) of pasteurized milk dairy or dairy alternatives at least twice three times a day. Milk served shall be pasteurized. Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. only.~~
 - (B) Fruit: Two servings of ~~fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit).~~ fruit; examples of one serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium-size whole fruit; or ¼ cup dried fruit. One serving shall be a citrus fruit or a single strength juice in which there is 100% of the

recommended dietary allowance of vitamin C in each six ounces of juice. The second fruit serving shall be of another variety of fresh, ~~dried~~ dried, or canned fruit.

- (C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable).~~ Vegetables: examples of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable. One of these shall be a dark green, ~~leafy~~ leafy, or deep yellow vegetables three times a week.
- (D) ~~Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product) such as 2 egg whites or ¼ cup of pasteurized egg product~~ at least three times a week at breakfast.
- (E) ~~Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum of 4 ounces. A substitute (e.g., (such as 4 tablespoons of peanut butter, 1 cup of cooked dried peas or beans or 2 ounces of pure cheese) may be served three times a week but not more than once a day, unless requested by the resident.~~ Note: For the purposes of this Rule, Bacon is considered to be fat and ~~not meat for the purposes of this Rule. does not meet the protein requirement for meat.~~
- (F) ~~Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a bagel, English muffin or hamburger bun; one 1 ½ -ounce muffin, 1- ounce roll, 2-ounce biscuit or 2-ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., (such as oatmeal or grits); ¾ cup ready-to-eat cereal; or one waffle, ~~pancake~~ pancake, or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be included in meeting this requirement.~~
- (G) ~~Fats: Include butter, oil, ~~margarine~~ margarine, or items consisting primarily of one of these (e.g., ~~icing or gravy~~ these, such as icing or gravy.~~
- (H) ~~Water and Other Beverages: Water shall be served to each resident at each meal, in addition to other beverages.~~

(e) Therapeutic Diets in Family Care Homes:

- (1) ~~All therapeutic diet orders including thickened liquids shall be in writing from the resident's physician. Where applicable, the therapeutic diet order shall be specific to calorie, ~~gram~~ gram, or consistency, such as for ~~calorie controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or thickened liquids, unless there are written orders ~~which~~ that include the definition of any therapeutic diet identified in the facility's therapeutic menu approved by a ~~registered~~ licensed ~~dietitian.~~ dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician or other delegated provider that is part of the treatment for a disease or clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or potassium), or to provide mechanically altered food when indicated.~~
- (2) ~~Physician orders for nutritional supplements shall be in writing from the resident's physician and be ~~brand specific~~, brand-specific, unless the facility has defined a house supplement in its communication to the physician, and shall specify quantity and frequency.~~
- (3) ~~The facility shall maintain ~~an accurate and a~~ a current listing of residents with physician-ordered therapeutic diets for guidance of food service staff.~~
- (4) ~~All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as ordered by the resident's physician.~~
- (f) ~~Individual Feeding Assistance in Family Care Homes:~~
 - (1) ~~Sufficient~~ The facility shall provide ~~staff shall be available~~ for individual feeding assistance as needed, in accordance with residents' needs.
 - (2) ~~Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall be unhurried and in a manner that maintains or enhances each resident's dignity and respect.~~
- (g) ~~Variations from the required three meals or time intervals between meals to meet individualized needs or preferences of residents shall be documented in the resident's record.~~

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

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to amend the rule cited as 11 NCAC 04 .0120.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdoi.gov/insurance-industry/rules-and-rules-review>

Proposed Effective Date: *October 1, 2022*

Public Hearing:

Date: July 12, 2022

Time: 10:00 a.m.

Location: NCDOT, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, Hearing Room

Reason for Proposed Action: *The scope of 11 NCAC 04 .0120 does not apply to insurers and an amendment was needed to correct the rule.*

Comments may be submitted to: Loretta Peace-Bunch, 1201 Mail Service Center, Raleigh, NC 27699-1201; email Loretta.Peace-Bunch@ncdoi.gov

Comment period ends: August 15, 2022

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 984-236-1850.

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

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

CHAPTER 04 - CONSUMER SERVICES DIVISION

SECTION .0100 - GENERAL PROVISIONS

11 NCAC 04 .0120 POLICY OR SERVICE FEES

An insurer, agent, broker, or limited representative who deals directly with an applicant and who intends to charge a policy or service fee in accordance with G.S. 58-33-85(b) shall not do so unless he or she complies with the following:

- (1) A sign that shall be displayed and visible using large and bolded print so as to be seen and read by the public from any part of the office lobby that informs the applicant that a policy or service fee of [amount] will be charged.
- (2) The applicant's written consent shall be obtained on a separate form each time a policy or service fee is charged. The form, created by the insurer, agent, broker or limited

representative, shall be entitled, "Policy or Service Fee Consent" and shall include the date and amount of each fee charged.

- (3) A dated receipt for the payment of a policy or service fee shall be issued either separately from the policy premium receipt or stated separately on the receipt issued for the policy premium.

Authority G.S. 58-2-40; 58-2-195; 58-33-85(b).

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to adopt the rule cited as 12 NCAC 09G .0207, amend the rules cited as 12 NCAC 09G .0204, .0205, .0304, .0305, and repeal the rule cited as 12 NCAC 09G .0206.

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

Proposed Effective Date: January 1, 2023

Public Hearing:

Date: November 2, 2022

Time: 10:00 a.m.

Location: Wake Technical Community College, Public Safety Training Center, 321 Chapanoke Road, Raleigh, NC 27603

Reason for Proposed Action: *To ensure consistency with the rules previously passed with respect to Minimum Standards for Law Enforcement Officers, and also to address the need for changes with respect to the prior criminal history rules for correctional officers and probation/parole officers as requested by the Division of Public Safety. This includes modifying some rules and repealing others.*

Comments may be submitted to: Michelle Schilling, NC Department of Justice, Criminal Justice Standards Division, PO Drawer 149, Raleigh, NC 27602-0149

Comment period ends: November 2, 2022

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 984-236-1850.

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

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

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

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

SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0204 EDUCATION DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

~~(a) Every person employed as a correctional officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be a high school, college, or university graduate or have received a high school equivalency credential as recognized by the issuing state.~~

~~(b) Every person employed as a probation and parole officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be a graduate of a regionally accredited college or university and have attained the baccalaureate degree.~~

~~(c) Each applicant for employment as a corrections officer shall furnish to the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice with documentary evidence that the applicant has met the educational requirements for the corrections field of expected employment.~~

~~(1) Documentary evidence of educational requirements shall consist of official transcripts of courses completed or diplomas received from a school that meets the requirements of the Division of Non Public Instruction of the North Carolina Department of Public Instruction, a comparable out of state agency, or is a regionally accredited college or university. High school diplomas earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high school diploma shall not be recognized toward these minimum educational requirements.~~

~~(2) Documentary evidence of high school equivalency shall be satisfied by a certified~~

~~copy of a high school equivalency credential as recognized by the issuing state.~~

(a) Each applicant for certification as a correctional officer or probation/parole officer shall furnish documentary evidence of high school, college or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute.

(c) Diplomas earned from high school or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. Transcripts shall be evaluated to ensure they are scholastically comparable to United States curriculum requirements.

(d) High school diplomas earned through on-line or correspondence courses shall be evaluated on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.

(f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214.

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

12 NCAC 09G .0205 PHYSICAL AND MENTAL STANDARDS MEDICAL EXAMINATION

~~(a) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall have been examined and certified within one year prior to employment with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice by a physician licensed in North Carolina, physician's assistant, or nurse practitioner to meet the physical requirements to fulfill the officer's particular responsibilities as stated in the essential job functions.~~

~~(b) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of~~

~~Public Safety, Division of Adult Correction and Juvenile Justice shall have been administered a psychological screening examination in accordance with G.S. 17C-10(e). The psychological screening shall be valid for a period of one year prior to the criminal justice officer's initial appointment and applies to any criminal justice officer seeking initial or probationary certification.~~

~~(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice in North Carolina or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, to help determine his or her ability to carry out the physical requirements of the position of correctional officer or probation/parole officer.~~

~~(b) Prior to conducting the examination, the surgeon, physician, physician's assistant, or nurse practitioner shall:~~

- ~~(1) read the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice. Copies of this publication may be obtained at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>;~~
- ~~(2) read, sign, and date the Medical History Statement Form (F-1); and~~
- ~~(3) read the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2).~~

~~(c) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.~~

~~(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:~~

- ~~(1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and,~~
- ~~(2) the agency submission of application for certification to the Commission.~~

~~(e) Every correctional officer and probation/parole officer shall have produced a negative result on a drug screen administered according to the following specifications:~~

- ~~(1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory test authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;~~

~~(2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;~~

~~(3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;~~

~~(4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at~~

~~<https://federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;~~

~~(5) conduct the test within 90 days of certification;~~

~~(6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.~~

~~(f) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screenings obtained from applicants and lateral transfers. If the positive results were explained to the satisfaction of the agency's medical review officer, who shall be a licensed physician, then the positive results are not required to be reported.~~

~~(g) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the positive result has been explained to the satisfaction of the agency's medical review officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of this Rule.~~

~~(h) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.~~

~~(i) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of refusal, and a copy of the drug screen panel with the results of the medical officer review.~~

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

12 NCAC 09G .0206 MORAL CHARACTER

~~Every person employed as a correctional officer as defined in 12 NCAC 09G .0102(3) or probation/parole officer as defined in 12 NCAC 09G .0102(12) by the Department of Public Safety, Division of Adult Correction and Juvenile Justice shall demonstrate good moral character as evidenced by the following:~~

- ~~(1) for correctional officers, not having been convicted of a felony;~~

- (2) ~~for probation/parole officers, not having committed or having been convicted of a felony;~~
- (3) ~~for correctional officers, not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(10) for three years or the completion of any corrections supervision imposed by the courts, whichever is later;~~
- (4) ~~for probation/parole officers, not having committed or having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102 for a three years period prior to the date of application for employment;~~
- (5) ~~not having been convicted of an offense that, under 18 U.S.C. 922, which is hereby incorporated by reference with subsequent amendments and editions and can be accessed at no cost at <https://www.govinfo.gov/content/pkg/USCODE-E-2011-title18/pdf/USCODE-2011-title18-partI-chap44-sec922.pdf>, would prohibit the possession of a firearm or ammunition;~~
- (6) ~~having submitted to and produced a negative result on a drug test within 60 days of employment or any in-service drug screening required by the Department of Public Safety, Division of Adult Correction and Juvenile Justice that meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing labs that meet this requirement may be obtained, at no cost, at <https://www.samhsa.gov/workplace/resources/drug-testing/certified-lab-list>;~~
- (7) ~~submitting to a background investigation consisting of the following:~~
 - (a) ~~verification of age;~~
 - (b) ~~verification of education; and~~
 - (c) ~~criminal history check of local, state, and national files;~~
- (8) ~~being truthful in providing information to the Department of Public Safety, Division of Adult Correction and Juvenile Justice and to the Standards Division for the purpose of obtaining probationary or general certification;~~
- (9) ~~not having pending or outstanding felony charges that, if convicted of such charges, would disqualify the applicant from holding such certification, pursuant to G.S. 17C-13; and~~
- (10) ~~not engage in any conduct that brings into question the truthfulness or credibility of the officer, or involves "moral turpitude." "Moral Turpitude" is conduct that is contrary to justice, honesty, or morality, including conduct as defined In re Willis, 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); In State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); In re Applicants for License, 143~~

N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions that cite these as authority.

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

12 NCAC 09G .0207 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against state and federal files.

(c) The employing agency will receive a report of the results of the criminal history check utilizing fingerprints against state and federal files. The employing agency shall retain the results of the criminal history record check utilizing fingerprints compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) An applicant for certification as a correctional officer or probation/parole officer may not be employed or placed in a position requiring certification by the Commission prior to the date on which the employing agency and Standards Division receive the report of the results of the criminal history record check utilizing fingerprints.

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

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, ~~or .0413~~ within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0202, .0203, .0204, .0205, .0206, .0302, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer in good standing with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified officers who, through promotional opportunities, move into non-certified positions within the Department, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC 09G .0202, .0202 through .0206, .0205,

.0208 (except 12 NCAC 09G .0208(4), and .0209 (except 12 NCAC 09G .0209(4)) when returning to a position requiring certification if they have maintained employment within the Department.

(d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

(e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall submit a Notice of Transfer to the Standards Division.

- (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.
- (2) The Commission shall grant an officer General Certification as the new type of corrections officer when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413 within the officer's probationary period and the officer has met all other requirements for General Certification.

Authority G.S. 17C-2; 17C-6; 17C-10.

12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION

(a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Correction for less than two years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, ~~and .0206 (excluding 12 NCAC 09G .0206(4)(b))~~ .0208 (excluding 12 NCAC 09G .0208(5) and .0209 (excluding 12 NCAC 09G .0209(5)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0400.

(b) Previously certified corrections officers with less than one year of service who have been separated from the North Carolina Department of Correction for less than two years, may have their certification reinstated following a reverification of employment standards 12 NCAC 09G .0202, .0203, and ~~.0206 (excluding 12 NCAC 09G .0206(4)(2))~~ .0208 (excluding 12 NCAC 09G .0208(5) and .0209 (excluding 12 NCAC 09G .0209(5)), and shall complete the job appropriate basic training course described in 12 NCAC 09G .0400.

(c) Previously certified corrections officers who have been separated from the North Carolina Department of Correction for more than two years, upon their return shall complete the verification of employment standards and shall complete the job

appropriate basic training course described in 12 NCAC 09G .0400.

Authority G.S. 17C-2; 17C-6; 17C-10.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Speech and Language Pathologists and Audiologists intends to adopt the rule cited as 21 NCAC 64 .0221, and amend the rule cited as 21 NCAC 64 .0212.

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

Proposed Effective Date: *November 1, 2022*

Public Hearing:

Date: *July 22, 2022*

Time: *9:00 a.m.*

Location:

Join Zoom Meeting;

https://us06web.zoom.us/j/84382934545?pwd=YzFDbUpzdVJjT

3VzeW4yT0tLSmg5dz09;

Meeting ID: 843 8293 4545;

Passcode: 707302

Reason for Proposed Action:

21 NCAC 64 .0212 - Clarify guidance on scope of practice for individuals offering audiometric screening as part of speech-language evaluations.

21 NCAC 64 .0221 - Establish standards for audiometric screening as part of speech-language evaluations.

Comments may be submitted to: *Denise Brown, NC Board of Examiners for Speech and Language Pathologists and Audiologists, PO Box 16885, Greensboro, NC 27416; phone (336) 272-1828; fax (336) 262-4353; email dbrown@ncboeslpa.org*

Comment period ends: *August 15, 2022*

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 984-236-1850.

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

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

SECTION .0200 - INTERPRETATIVE RULES

21 NCAC 64 .0212 SUPERVISION OF HEARING SCREENING

(a) For the purposes of applying G.S. 90-294(f), ~~the~~ Board of Examiners for Speech and Language Pathologists and Audiologists ~~interprets the words "audiometric screening" used in G.S. 90-294(f) as makes the following interpretations as set forth in this Rule. The phrase "audiometric screening test" used in G.S. 90-294(f) shall mean~~ the presentation of pure tone stimuli at fixed intensity using pass/fail criteria requiring no interpretation by the person administering the screening. An audiometric screening test includes both behavioral and physiologic techniques. Objective methods of screening auditory function based upon new technology shall comply with ~~may be used subject to the conditions specified in this Rule.~~

(b) ~~Fixed intensity, pure tone~~ An audiometric screening test performed within the context of an individual speech-language evaluation or assessment is within the scope of practice of licensed speech and language pathologists, and by extension allowed for registered speech-language pathologists. Registered speech-language pathology assistants, assistants only shall perform audiometric screening tests when compliant with the supervision and training requirements set forth in this Rule, provided that it can be demonstrated that the licensee or registered assistant has received formal instruction and practicum in audiometric screening as part of his or her training program. An audiometric screening test shall be performed in accordance with Rule .0221 of this Section.

(c) ~~Audiometric screening tests that are conducted as part of a speech-language evaluation shall be performed by either a licensed Licensed speech and language pathologists, speech-language pathologist or a registered speech-language pathology assistants, and unlicensed persons may perform screenings of hearing sensitivity and auditory function assistant who is trained by a licensed audiologist or physician in the specific techniques used for that screening and who receives supervision from a licensed audiologist or physician. Audiometric screening tests conducted on the general public or specific populations provided that the individuals performing such screenings have been that are not part of a speech-language evaluation shall be performed by either a licensed speech-language pathologist, a registered speech-language pathology assistant, or an unlicensed person who is trained by a licensed audiologist or physician in the specific techniques used for that screening and who receives~~ provided that

~~supervision of the screening program is by~~ from a licensed audiologist or physician.

(d) ~~Audiometric screening tests Screening programs using objective or technology-based hearing screening techniques in place of traditional fixed-frequency, pure tone audiometry (for example, such as automated auditory brainstem response tests, otoacoustic emission screening instruments, microprocessor audiometers, etc.) etc., even though such techniques and instruments may yield a pass fail indication, require the oversight and supervision of a licensed audiologist or physician.~~

(e) The Board of Examiners for Speech and Language Pathologists and Audiologists interprets the ~~word phrase "supervision" in G.S. 90-294(f) to include the following elements: mean:~~

- (1) ~~selecting the appropriate~~ selecting, based on generally accepted training and education, the calibrated screening instrument to be used for the target population;
- (2) ~~providing sufficient~~ initial and refresher training in the specific screening methods and instruments to be used to ensure that the screeners have sufficient knowledge of the screening methods, understand the limitations of the screening program, and can demonstrate proper operation of the equipment; equipment in accordance with the requirements of the equipment's manufacturer;
- (3) ~~assuring that records are maintained describing the training received by the screeners, the names of attendees, the nature of any evaluation~~ evaluation, and any referral made;
- (4) ~~providing sufficient~~ evaluation of the test site for to eliminate ambient sound that will impact the test results and to ensure that the screeners are following the screening protocol; and
- (5) ~~reviewing samples of screening records to confirm that the screening has conformed to the program standards.~~

(f) ~~Licensed speech and language pathologists and registered speech language pathology assistants shall not instruct others in the techniques of hearing screening or supervise hearing screening programs. Training and supervision by a licensed audiologist or physician that is required in Paragraph (c) of this Rule shall not be delegated to a speech-language pathologist or registered speech-language pathology assistant. These aspects of a hearing screening program are within the scope of practice of licensed audiologists and physicians.~~

Authority G.S. 90-301(5); 90-304(a)(3).

21 NCAC 64 .0221 STANDARDS FOR AUDIOMETRIC SCREENINGS AS PART OF SPEECH LANGUAGE EVALUATIONS

The Board of Examiners for Speech and Language Pathologists and Audiologists interprets the phrase "reasonable degree of professional skill and care in the delivery of professional services" used in G.S. 90-301(5) to require an audiometric screening, as defined in Rule .0212 of this Section, as a part of a speech-language evaluation, in accordance with the following standards:

- (1) Individuals conducting audiometric screenings shall screen each ear of patients who are under the age of 18 years with a 20 dB HL stimulus at a frequency of 1000, 2000, and 4000 Hz;
- (2) Individuals conducting audiometric screenings shall screen each ear of patients who are 18 years of age or older with a 25 dB HL stimulus at a frequency of 1000, 2000, and 4000 Hz;
- (3) Individuals conducting audiometric screenings shall use stimuli for the target population in accordance with generally accepted training and education for the type of technique used;
- (4) Individuals conducting audiometric screenings shall consider the developmental benchmarks or disabilities of target populations in determining whether to use objective or hearing screening techniques in place of transitional fixed-intensity, pure-tone audiometry, in accordance with generally accepted training and education;
- (5) Individuals conducting audiometric screenings shall use commercially available equipment and shall calibrate the equipment in accordance with requirements of the equipment's manufacturer;
- (6) Individuals conducting audiometric screenings shall document either a pass or fail on each ear separately and for each frequency screened. An ear for which no response to the stimulus is detected for one or more frequencies tested shall be deemed as fail. An ear for which a response to the stimulus is detected for all three frequencies tested shall be deemed as pass;
- (7) Audiometric screenings shall be conducted in a location where ambient noise will not impact the test results;
- (8) Individuals conducting audiometric screenings shall comply with all requirements set forth in Rule .0212 of this Section;
- (9) Individuals conducting audiometric screenings shall provide a patient without previously documented hearing loss who fails the audiometric screening for one or both ears, or for whom results on either ear cannot be determined because the patient did not tolerate the screening, a recommendation in writing to a licensed audiologist for a comprehensive audiological evaluation. For each patient, screening providers must maintain a written copy of the recommendation and the results of the audiometric screening in which hearing loss was previously documented, if any exist;
- (10) When an audiometric screening does not take place prior to the start of the speech-language evaluation, the evaluation and subsequent treatment shall consider the possibility of hearing loss and must include the use of compensatory techniques or multi-modal presentation of materials; and

- (11) Providers are not required to perform audiometric screening as part of a speech-language evaluation on a patient if:
 - (a) the patient underwent a previous audiometric screening conducted in accordance with Rule .0212(c) of this Section within 12 months preceding the start of the speech-language evaluation; and
 - (b) the results of the previous audiometric screening are considered by a licensed speech-language pathologist or a registered speech-language pathology assistant as part of the speech-language evaluation.

Authority G.S. 90-301(5); 90-304(a)(3).

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rule cited as 26 NCAC 03 .0114.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://oah.nc.gov>

Proposed Effective Date: *October 1, 2022*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Contact Bill Culpepper, General Counsel, Office of Administrative Hearings at bill.culpepper@oah.nc.gov or (984) 236-1931 to request the scheduling of a public hearing.*

Reason for Proposed Action: *The Office of Administrative Hearings (OAH) has determined that 26 NCAC 03 .0114 Sanctions should be amended to add an additional sanction which will allow an administrative law judge to assess hearing costs incurred by OAH against a party who fails to appear at a scheduled contested case hearing.*

Comments may be submitted to: *Bill Culpepper, General Counsel, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609*

Comment period ends: *August 15, 2022*

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 984-236-1850.

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

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

CHAPTER 03 - HEARINGS DIVISION

SECTION .0100 - HEARING PROCEDURES

26 NCAC 03 .0114 SANCTIONS

(a) If a party fails to appear at a hearing or fails to comply with an interlocutory order of an administrative law judge, the administrative law judge may:

- (1) Find that the allegations ~~of of~~, or the issues set out in, the notice of hearing or other pleading may be taken as true or deemed proved without further evidence;
- (2) Dismiss or grant the motion or petition;
- (3) Suppress a claim or defense; ~~or~~
- (4) Exclude ~~evidence.~~ evidence; or
- (5) Assess hearing costs incurred by the Office of Administrative Hearings against a party who fails to appear at a hearing.

(b) In the event that any ~~party or party,~~ attorney at law attorney, or other representative of a party engages in behavior that obstructs the orderly conduct of proceedings or would constitute contempt if done in the General Court of Justice, the administrative law judge presiding may enter a show cause order returnable in Superior Court for contempt proceedings in accordance with G.S. 150B-33(b)(8).

Authority G.S. 7A-750; 7A-751; 150B-25(a); 150B-33(b)(8), (10).

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

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

TITLE 19A – DEPARTMENT OF TRANSPORTATION

Rule-making Agency: *Division of Motor Vehicles*

Rule Citation: *19A NCAC 03K .0103*

Effective Date: *May 27, 2022*

Date Approved by the Rules Review Commission: *May 16, 2022*

Reason for Action: *The effective date of a recent act of the General Assembly or of the U.S. Congress. Session Law 2021-182 Section 1.(e) Article 3 of Chapter 20 of the General Statutes was amended by adding a new section to read: "§20-178.5.(e) Reduction of Costs. – A vender who receives a waiver under subsection (b) of this section that complies with the requirements of subsections (c) and (d) of this section shall install the ignition interlock system in accordance with both of the following terms: (1) The applicant shall not be required to pay for installation or removal of the ignition interlock system or systems. (2) The applicant shall receive a fifty percent (50%) discount on the monthly service rate charged to persons who are not granted a waiver under this section.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 03 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 03K – DIVISION HEARING FEES

19A NCAC 03K .0103 REVIEW OF DENIAL FOR IGNITION INTERLOCK SYSTEM

(a) ~~In the event an applicant is denied a waiver of costs for an ignition interlock system and pursuant to G.S. 20-179.5, the~~

~~applicant may seek review of the decision by the The Division of Motor Vehicles shall develop a form affidavit containing the applicant's name, driver's license number, identification number, or customer number, and the requirements set forth in G.S. 20-179.5(c). The form affidavit shall be posted on the Division's website at www.ncdot.gov/dmv of the vendor's determination. No fees shall be charged for a Review of a Denial of the Affordability of an Ignition Interlock System as set forth in G.S. 20-179.5.~~

~~(b) Should any applicant disagree with a decision of the vendor pertaining to the denial of the waiver, the applicant may appeal to the Division of Motor Vehicles in accordance with this Rule.~~

~~(e)(b) Pursuant to G.S. 20-179.5(b), the vendor shall deliver the decision on the waiver application to the applicant via personal service or certified mail. Within 30 days from the time of service of the decision of the vendor, the applicant shall submit a written appeal to the Division of Motor Vehicles setting forth the facts and arguments facts, arguments, and all documents as set out in G.S. 20-179.5 upon which the appeal is based. The appeal shall be served upon the agency's process agent sent to the Division by via certified mail pursuant to G.S. 1A-1, Rule 4(j) of the Rules of Civil Procedure. and with a return receipt requested.~~

~~(d)(c) Upon receipt of the written appeal, the Division shall review the written appeal and the vendor's decision, as well as any documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision, supported by findings of fact. The final agency decision shall be given in accordance with G.S. 20-48. by deposit in the US mail of such notice in an envelope with postage prepaid, addressed to such person at the address as shown by the records of the Division.~~

History Note: Authority G.S. 20-2(b); 20-48; 20-179.5; S.L. 2021-182;

Temporary Adoption Eff. May 27, 2022.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission May 19, 2022 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Margaret Currin
Jeff Hyde
Robert A. Rucho

Appointed by House

Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939

RULES REVIEW COMMISSION MEETING DATES

July 21, 2022	September 15, 2022
August 18, 2022	October 20, 2022

RULES REVIEW COMMISSION MEETING

MINUTES

May 19, 2022

The Rules Review Commission met on Thursday, May 19, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho were present in the Commission Room.

Staff members Alexander Burgos; Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:01 a.m. with Chair Doran presiding.

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

The Chair advised the Commission that all RRC members were present in the room, therefore, roll call votes are not required. The RRC members were instructed to respond with ayes or noes during the votes in this meeting.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow-up matters Tab B - Environmental Management Commission 02B, Tab C - Environmental Management Commission 02H, and Tab D - Marine Fisheries Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the April 21, 2022, meeting. There were none and the minutes were approved as distributed.

The Chair introduced OAH extern, Joseph Schulke of UNC Law, to the Commission.

The Chair introduced her intern, Elizabeth Trent of the Institute for Constitutional Law, to the Commission.

FOLLOW UP MATTERS**Department of Environmental Quality**

15A NCAC 01C .0101, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0205, .0206, .0207, .0208, .0304, .0305, .0306, .0405, .0406, .0407, .0408, .0409, .0410, and .0411 - All rewritten rules were unanimously approved.

Environmental Management Commission

15A NCAC 02B .0202, .0211, .0219, .0220, .0301, and .0311 were unanimously approved.

The Commission objected to 15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218 with Commissioners Atkins and Bryan voting against.

The Commission determined that each proposed Rule, as amended, had not been adopted in accordance with Part 2 of Article 2A of the APA. See G.S. 150B-21.9(a)(4).

The APA requires that, prior to publishing notice of the proposed text of a rule, the State agency must prepare a fiscal note that assesses the costs imposed by the rule to the greatest extent possible and state the amount of funds that would be expended pursuant to the rule. This allows both the public and regulated entities the opportunity to give informed comment, either to the agency during the rule adoption process, this Commission during the rule review process, or the legislature once the rule has been approved. See G.S. 150B-21.2(e) and (f); 150B-21.3(b2).

Specifically, the Commission determined that the Environmental Management Commission had not complied with the requirements of G.S.150B-21.4 when it proposed the inclusion of 1,4-dioxane in-stream target values in surface water standards set by 15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218. EMC achieved this by setting baseline target values for 1,4-dioxane through regulatory policy and permitting agreements instead of through the rule-making process required by law, then using these values as the baseline when submitting the addition of 1,4-dioxane target values to these rules for OSBM fiscal impact analysis. This resulted in the fiscal note concluding there would be no additional fiscal impact because there would be no change in in-stream target values. The fiscal note stated this even though adding 1,4-dioxane into EMC's regulatory rules would require treatment processes that are, in EMC's own words, "prohibitively expensive for local governments and the citizens served by public utilities," and yet EMC's fiscal note "did not attempt to monetize costs" because the baseline target values were already in place. This is not sufficient to satisfy the APA as costs must be quantified to the greatest extent possible and published with or before the publication of the notice of text of the proposed rule.

The RRC is not taking the position that EMC is not allowed to add 1,4-dioxane target values into its rules. That is a policy decision it alone may make. However, it must do so in the manner prescribed by law. The Commission is simply requiring of EMC, as it would require of any other rule-making body within the State, that it follow the good-governance requirements of the APA rule-making process and transparently assess and make known to regulated entities and the citizens of this State the fiscal impact of proposed rules and proposed rule amendments.

Robert El-Jaouhari of Cranfill Sumner, addressed the Commission.

Sean Sullivan, with the Fayetteville Publics Works Commission, addressed the Commission.

Phillip Reynolds with the Department of Justice, and representing the agency, addressed the Commission.

Anca Grozav, with Office of State Budget & Management, addressed the Commission.

Environmental Management Commission

The Commission objected to 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 in accordance with G.S. 150B-21.10 with Commissioners Atkins, and Bryan voting against.

Specifically, the Commission found the agency lacked statutory authority to adopt 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 as the agency was barred from doing so pursuant to G.S. 150B-19.3(a). Further, the Commission found the definition of the term "impact" in Rule 15A NCAC .02H .1401, and as applied to Rules .1402, .1403, .1404, and .1405 was unclear and ambiguous as it did not provide certainty as to what acts were subject to regulation. Finally, the Commission found that the post-publication changes from "discharge" to "impact" in Rule 15A NCAC 02H .1401, and as applied to Rules

.1402, .1403, .1404, and .1405 amounted to a substantial change pursuant to G.S. 150B-21.2(g)(3), in that it produced an effect that could not reasonably have been expected based on the proposed text of these Rules.

Kelly Moser, with Southern Environmental Law Center, addressed the Commission.

Norton Webster, with Eco Terra, addressed the Commission.

Chris Millis, with North Carolina Home Builders Association, addressed the Commission.

Phillip Reynolds with the Department of Justice, and representing the agency, addressed the Commission.

Sue Homewood, with DEQ – Division of Water Quality, addressed the Commission.

Marine Fisheries Commission

15A NCAC 03I .0101, .0104, .0105, .0113, .0114, .0118; 03J .0101, .0105, .0109, .0110, .0301, .0302, .0305, .0501, .0502, .0503, .0504, .0505; 03K .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0111, .0201, .0202, .0204, .0205, .0207, .0208, .0209, .0301, .0302, .0304, .0305, .0401, .0505, .0507; 03L .0101, .0102, .0103, .0105, .0201, .0202, .0203, .0204, .0205; 03M .0201, .0202, .0204, .0205, .0503; 03N .0104, .0105; 03O .0101, .0102, .0103, .0104, .0105, .0107, .0109, .0110, .0111, .0113, .0203, .0205, .0206, .0207, .0208, .0210, .0211, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0502, .0504; 03P .0101; 03R .0110, .0111, .0118; 18A .0135, .0302, .0303, .0304, .0425, and .0912 were unanimously approved.

The Commission objected to 15A NCAC 03O .0114 and .0209 in accordance with G.S. 150B-21.10.

With respect to 15A NCAC 03O .0114, the Commission found that the agency lacked statutory authority to criminalize evasion of service of written notice of the suspension or revocation of licenses issued under Article 14A, Article 14B, and Article 25A of Chapter 113 of the North Carolina General Statutes.

With respect to 15A NCAC 03O .0209, the Commission found that the agency lacked statutory authority to condition the transfer of a shellfish lease or franchise on approval by the Division of Marine Fisheries, to require the use of a form provided and approved by the Division, or to limit the size of a transfer.

Phillip Reynolds with the Department of Justice, and representing the agency, addressed the Commission.

Jennifer Everett, the rulemaking coordinator with the agency, addressed the Commission.

Coastal Resources Commission

15A NCAC 07H .1701, .1702, .1703, .1704, .1705, .1901, .1902, .1903, .1904, .1905, .2501, .2502, .2503, .2504, and .2505 - The agency is addressing the technical change requests from the April meeting. No action was required by the Commission.

Wildlife Resources Commission

15A NCAC 10D .0106 – The rewritten rule was unanimously approved.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date of 15A NCAC 10D .0106.

LOG OF FILINGS (PERMANENT RULES)

Office of the State Auditor

03 NCAC 01 .0301 was unanimously approved.

Commerce - Division of Employment Security

All rules were unanimously approved.

Department of Natural and Cultural Resources

All rules were unanimously approved except for 07 NCAC 02H .0306.

The Commission objected to 07 NCAC 02H .0306 finding that the rule was not reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of federal agency, pursuant to G.S. 150B-21.9(3).

Environmental Management Commission

All rules were unanimously approved.

Wildlife Resources Commission

15A NCAC 10C .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0313, .0314, .0318, .0319, .0321, .0322, .0323, .0324, .0325, .0326, .0401, .0402, .0404, .0405, .0406, .0407, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, .0701; 10F .0312, .0317, .0318, .0323, .0327, .0333, .0336, .0354, and, .0378 were unanimously approved.

The Commission extended the period of review for 15A NCAC 10D .0103, .0209, .0226, .0229, .0230, .0239, .0240, .0243, .0260, and .0276 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review through the end of the 2022 Legislative Session of the General Assembly, as one or more of these rules await legislative review.

15A NCAC 10C .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, and .0111 were withdrawn at the request of the agency. No action was required by the Commission.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date of 15A NCAC 10C .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0313, .0314, .0318, .0319, .0321, .0322, .0323, .0324, .0325, .0326, .0401, .0402, .0404, .0405, .0406, .0407, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, and .0701.

Jerry Schill, with N.C. Fisheries Association, Inc., addressed the Commission.

Board of Architecture and Registered Interior Designers

All rules were unanimously approved.

Real Estate Commission

All rules were unanimously approved.

Building Code Council

All rules were unanimously approved.

The Chair called the meeting into a brief recess at 10:53 a.m.

The meeting resumed 11:02 a.m.

LOG OF FILINGS (TEMPORARY RULES)

DHHS - Division of Aging and Adult Services

10A NCAC 06Q .0201 – During the meeting, and prior to the review of this Rule, the agency requested to withdraw the rule. No action was required by the Commission.

Raj Prem Kumar, with the Department of Justice, and representing the agency, addressed the Commission.

Social Services Commission

10A NCAC 06T .0201 – During the meeting, and prior to the review of this Rule, the agency requested to withdraw the rule. No action was required by the Commission.

Raj Prem Kumar, with the Department of Justice, and representing the agency, addressed the Commission.

State Board of Education

16 NCAC 06E .0204 - The Commission objected to the temporary rule in accordance with G.S. 150B-21.1(b). Specifically, the Commission objected to the rule for lack of statutory authority. Specifically, the Commission found that the State Board of Education lacked statutory authority to delegate the authority to waive student eligibility requirements to an administering organization.

Ashley Carroll, with the Davidson County Schools, addressed the Commission.

Brandon Walker, with the agency, addressed the Commission.

Department of Transportation - Division of Motor Vehicles

Prior to the review of the rule from the Department of Transportation - Division of Motor Vehicles, Commissioner Bryan recused himself and did not participate in the vote or discussion of the rule because his family is currently in litigation with the agency.

19A NCAC 03K .0103 was approved.

COMMISSION BUSINESS

The meeting adjourned at 11:28 a.m.

The next regularly scheduled meeting of the Commission is Thursday, June 16, 2022, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

RULES REVIEW COMMISSION

May 19, 2022

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Jay Schulte	UNC Law Intern w/ O.H.H.
Hannah Jennigan	DOT/DMV
Jennifer Everett	DEQ
Phillip Reynolds	NCDOJ
TERAY SCHILL	NC Fishery Assn,
CHRIS MILLS	NCHA
Peter Daniel	NC Chamber
Norton Webster	Eco Terra
Abby Mercer	EcoTerra
Robert Ez-Jacques	Cranfill Summer LLP
Ashley Carroll	Davidson County Board of Education
Bruce Rainey Pearson	SELC
RAJ PREMAKUMAR	DOJ
Glenda Artis	DHHS - Division of Aging & Adult Services
Elizabeth Trent	law student
Misty PM	JULS
Curtis Brooks	NC DOJ
Sue Homewood	NCDEQ
Kelly Moser	SELC
Mary Macke Astill	SELC
Patricia Mincey	Cranfill Summer LLP

May 19, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Laura Main	NCDOT / DMV
Chris Venturo	NCDEE
Dore Lassiter	NCSTA
Carrie Ruhlman	NCWRC
Ashley Pekar	NCWRC
Brian McKee	NCWRC
Christina Waters	NCWRC
Brad Howard	UCWRC

**Rules Review Commission Meeting May 19, 2022
Via WebEx**

Name	Agency
Dee Lupton	DEQ
Lara Klibansky	DEQ
Robin Smith	Smith Environment
Cassie Gavin	Sierraclub.org
Lou Martin	DPI
Jeff Poupart	DEQ
Catherine Blum	MFC
Zoe Gabrielson	Selcnc.org
Shawn Maier	DOJ
Evelyn Hawthorne	
Caroline Spence	Selcnc.org
Keith Larick	Farms Bureau
Shazia Keller	DHHS
Mallory Sparks	parkerpoe.com
Elizabeth Kountis	DEQ
Anna Hayworth	Agriculture
Dustin Doty	FAY PWC
Dennis Seavers	Barber Board
Carrie Hollis	OSBM
Carrie Pickett	DEQ
Heather Burkhardt	nccoalitiononaging.org
Canaan Huie	mvalaw.com
Craig Bromby	
Bridget Shelton	DEQ
Cassie Gavin	sierraclub.org
James West	FAY PWC
Jason Walsh	DEQ
Grady Mccallie	nconconservationnetwork.org
D Hargrove	DEQ
Anca Grozav	OSBM
Russell Henderson	DOJ
Glen Peterson	DES
Melissa Vuotto	NCREC
Brandon Walker	DPI
Anne Coan	NCFB
Zoe Gabrielson	Selcnc.org
Jeff Manning	DEQ
Shelton Sullivan	DEQ
Brandi Salmon	DEQ
Judy Estevez	Auditor
Sean Sullivan	robinsonbradshaw.com
Dakota Loveland	Selcnc.org

RULES REVIEW COMMISSION

Lara Klibansky	DEQ
Amanda Reeder	DOJ
Geoff Gisler	SELNC
Karen Higgins	DEQ
Corey Oakley	WRC
Laura Rowe	Treasurer
Jasper Stem	ncaggregates.org
Michael Briggs	WRC
Hannah Nelson	Selcnc.org
Monty Crump	gorockingham.com
Nadine Pfeiffer	DHHS
Jonathan Avery	DNCR
Betsy Haywood	WRC
Carl Martin	DOI
Julie Ventaloro	DEQ
Carl Keehn	DEQ
Paul Wojoski	DEQ
Tyler Barrick	ncbarch.org
Heather Carter	DHHS
Sharon Martin	DES
Tom Akins	leadingagenc.org
Nicole Cordano	oneprotest.org
Ross Smith	ross.smith@myncma.org

**LIST OF APPROVED PERMANENT RULES
May 19, 2022 Meeting**

STATE AUDITOR, OFFICE OF THE

Petitions for Rulemaking 03 NCAC 01 .0301

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

Signatures on Reports and Forms 04 NCAC 24A .0108
Appeals Hearing Notice 04 NCAC 24C .0204
Telephone Hearings 04 NCAC 24C .0205
Rescheduling a Hearing 04 NCAC 24C .0207
Conduct of Hearings 04 NCAC 24C .0209
Withdrawal of Appeal 04 NCAC 24C .0214
New Filing After Withdrawal of Appeal 04 NCAC 24C .0215

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

Application 07 NCAC 02H .0303
Circulation 07 NCAC 02H .0305
Volunteers 07 NCAC 02H .0307

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Statement Purpose, Policy, and Scope 15A NCAC 01C .0101

RULES REVIEW COMMISSION

<u>Definitions</u>	15A NCAC	01C	.0103
<u>Agency Compliance</u>	15A NCAC	01C	.0104
<u>Lead and Cooperating Divisions Responsibility</u>	15A NCAC	01C	.0105
<u>Scoping and Hearings</u>	15A NCAC	01C	.0106
<u>Limitation on Actions During NCEPA Process</u>	15A NCAC	01C	.0107
<u>Emergencies</u>	15A NCAC	01C	.0108
<u>Preparation of Environmental Documents</u>	15A NCAC	01C	.0109
<u>Implementation</u>	15A NCAC	01C	.0205
<u>When to Prepare Environmental Documents</u>	15A NCAC	01C	.0206
<u>Incorporation by Reference</u>	15A NCAC	01C	.0207
<u>Incomplete or Unavailable Information</u>	15A NCAC	01C	.0208
<u>Activities Above the Minimum Criteria</u>	15A NCAC	01C	.0304
<u>Activities Undertaken by DEQ</u>	15A NCAC	01C	.0305
<u>Activities of a Special Nature</u>	15A NCAC	01C	.0306
<u>Purpose of the Minimum Criteria Thresholds</u>	15A NCAC	01C	.0405
<u>Sampling, Survey, Monitoring, and Related Research Activi...</u>	15A NCAC	01C	.0406
<u>Standard Maintenance or Repair Activities</u>	15A NCAC	01C	.0407
<u>Minor Construction Activities</u>	15A NCAC	01C	.0408
<u>Management Activities</u>	15A NCAC	01C	.0409
<u>Private Use of Public Lands</u>	15A NCAC	01C	.0410
<u>Remediation Activities</u>	15A NCAC	01C	.0411

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Definitions</u>	15A NCAC	02B	.0202
<u>Fresh Surface Water Quality Standards for Class C Waters</u>	15A NCAC	02B	.0211
<u>Fresh Surface Water Quality Standards for Class B Waters</u>	15A NCAC	02B	.0219
<u>Tidal Salt Water Quality Standards for Class SC Waters</u>	15A NCAC	02B	.0220
<u>Classifications: General</u>	15A NCAC	02B	.0301
<u>Cape Fear River Basin</u>	15A NCAC	02B	.0311
<u>Purpose</u>	15A NCAC	02L	.0101
<u>Definitions</u>	15A NCAC	02L	.0102
<u>Policy</u>	15A NCAC	02L	.0103
<u>Restricted Designation</u>	15A NCAC	02L	.0104
<u>Initial Response, Site Assessment, and Corrective Action</u>	15A NCAC	02L	.0106
<u>Compliance Boundary</u>	15A NCAC	02L	.0107
<u>Review Boundary</u>	15A NCAC	02L	.0108
<u>Delegation</u>	15A NCAC	02L	.0109
<u>Monitoring</u>	15A NCAC	02L	.0110
<u>Reports</u>	15A NCAC	02L	.0111
<u>Analytical Procedures</u>	15A NCAC	02L	.0112
<u>Variance</u>	15A NCAC	02L	.0113
<u>Notification Requirements</u>	15A NCAC	02L	.0114

MARINE FISHERIES COMMISSION

<u>Definitions</u>	15A NCAC	03I	.0101
<u>Introduce, Transfer, or Hold Imported Marine and Estuarin...</u>	15A NCAC	03I	.0104
<u>Leaving Devices Unattended</u>	15A NCAC	03I	.0105

RULES REVIEW COMMISSION

<u>Biological Sampling</u>	15A NCAC	03I	.0113
<u>Recordkeeping Requirements</u>	15A NCAC	03I	.0114
<u>Disposal of Evidence</u>	15A NCAC	03I	.0118
<u>Fixed or Stationary Nets</u>	15A NCAC	03J	.0101
<u>Purse Seines</u>	15A NCAC	03J	.0105
<u>Long Haul and Swipe Net Requirements</u>	15A NCAC	03J	.0109
<u>Seines</u>	15A NCAC	03J	.0110
<u>Pots</u>	15A NCAC	03J	.0301
<u>Recreational Use of Pots</u>	15A NCAC	03J	.0302
<u>Trotlines (Multiple Hook or Multiple Bait)</u>	15A NCAC	03J	.0305
<u>Definitions and Standards for Pound Nets and Pound Net Sets</u>	15A NCAC	03J	.0501
<u>Pound Net Set Permit Application and Processing</u>	15A NCAC	03J	.0502
<u>Pound Net Set Permit Renewal</u>	15A NCAC	03J	.0503
<u>Pound Net Set Permit Transfer</u>	15A NCAC	03J	.0504
<u>Pound Net Set Permit Conditions</u>	15A NCAC	03J	.0505
<u>Prohibited Activities in Polluted Shellfish Areas</u>	15A NCAC	03K	.0101
<u>Rakes Prohibited</u>	15A NCAC	03K	.0102
<u>Shellfish Management Areas</u>	15A NCAC	03K	.0103
<u>Permits for Relaying Shellfish from Polluted Areas</u>	15A NCAC	03K	.0104
<u>Recreational Harvest of Shellfish</u>	15A NCAC	03K	.0105
<u>Taking or Unloading Oysters and Clams on Sunday or at Night</u>	15A NCAC	03K	.0106
<u>Depuration of Clams and Oysters</u>	15A NCAC	03K	.0107
<u>Dredges and Mechanical Methods Prohibited</u>	15A NCAC	03K	.0108
<u>Shellfish Harvest Tags</u>	15A NCAC	03K	.0109
<u>Permits to Use Mechanical Methods for Shellfish on Shellf...</u>	15A NCAC	03K	.0111
<u>Oyster Harvest Management</u>	15A NCAC	03K	.0201
<u>Culling Requirements for Oysters</u>	15A NCAC	03K	.0202
<u>Mechanical Methods for Oystering Prohibited</u>	15A NCAC	03K	.0204
<u>Marketing Oysters Taken from a Shellfish Lease or Franchise</u>	15A NCAC	03K	.0205
<u>Oyster Size and Harvest Limit Exemptions</u>	15A NCAC	03K	.0207
<u>Seed Oyster Management Areas</u>	15A NCAC	03K	.0208
<u>Oyster Sanctuaries</u>	15A NCAC	03K	.0209
<u>Size and Harvest Limits of Clams</u>	15A NCAC	03K	.0301
<u>Mechanical Harvest of Clams from Public Bottom</u>	15A NCAC	03K	.0302
<u>Prohibited Taking of Clams</u>	15A NCAC	03K	.0304
<u>Clam Size and Harvest Limit Exemptions</u>	15A NCAC	03K	.0305
<u>Polluted Area Permit</u>	15A NCAC	03K	.0401
<u>Sea Scallops Size Limit and Tolerance</u>	15A NCAC	03K	.0505
<u>Marketing Scallops Taken from a Shellfish Lease or Franchise</u>	15A NCAC	03K	.0507
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<u>Weekend Shrimping Prohibited</u>	15A NCAC	03L	.0102
<u>Prohibited Nets, Mesh Lengths, and Areas</u>	15A NCAC	03L	.0103
<u>Recreational Shrimp Limits</u>	15A NCAC	03L	.0105
<u>Crab Harvest Restrictions</u>	15A NCAC	03L	.0201
<u>Crab Trawling</u>	15A NCAC	03L	.0202
<u>Crab Dredging</u>	15A NCAC	03L	.0203
<u>Crab Pots</u>	15A NCAC	03L	.0204

RULES REVIEW COMMISSION

<u>Crab Spawning Sanctuaries</u>	15A NCAC	03L	.0205
<u>Striped Bass Requirements; General</u>	15A NCAC	03M	.0201
<u>Striped Bass Season, Size, and Harvest Limit: Internal Wa...</u>	15A NCAC	03M	.0202
<u>Striped Bass Season, Size, and Harvest Limit: Atlantic Ocean</u>	15A NCAC	03M	.0204
<u>Striped Bass; Prohibited Trawling</u>	15A NCAC	03M	.0205
<u>Flounder</u>	15A NCAC	03M	.0503
<u>Prohibited Gear, Primary Nursery Areas</u>	15A NCAC	03N	.0104
<u>Prohibited Gear, Secondary Nursery Areas</u>	15A NCAC	03N	.0105
<u>Procedures and Requirements to Obtain Licenses, Endorseme...</u>	15A NCAC	03O	.0101
<u>Procedures and Requirements to Renew Licenses, Endorsemen...</u>	15A NCAC	03O	.0102
<u>Auxiliary Vessels</u>	15A NCAC	03O	.0103
<u>Commercial Unloading of Fish</u>	15A NCAC	03O	.0104
<u>Requirements for Bait and Mussel Dealers</u>	15A NCAC	03O	.0105
<u>License Replacement and Fees</u>	15A NCAC	03O	.0107
<u>Assignment of Standard Commercial Fishing License</u>	15A NCAC	03O	.0109
<u>License Refunds</u>	15A NCAC	03O	.0110
<u>Surrender of Licenses</u>	15A NCAC	03O	.0111
<u>Ocean Fishing Pier Reporting Requirements</u>	15A NCAC	03O	.0113
<u>Shellfish Lease Application Processing</u>	15A NCAC	03O	.0203
<u>Shellfish Lease Renewal</u>	15A NCAC	03O	.0205
<u>Shellfish Lease Application: Request for Review</u>	15A NCAC	03O	.0206
<u>Shellfish Lease and Franchise Production Reports</u>	15A NCAC	03O	.0207
<u>Termination Procedures for Shellfish Leases and Franchises</u>	15A NCAC	03O	.0208
<u>Standards and Requirements for Franchises</u>	15A NCAC	03O	.0210
<u>Fishing Gear Requirements for Shellfish Leases and Franch...</u>	15A NCAC	03O	.0211
<u>Eligibility for Recreational Commercial Gear Licenses</u>	15A NCAC	03O	.0301
<u>Authorized Gear for Recreational Commercial Gear Licenses</u>	15A NCAC	03O	.0302
<u>Possession Limits for Recreational Commercial Gear Licenses</u>	15A NCAC	03O	.0303
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<u>Standard Commercial Fishing License Eligibility Board Review</u>	15A NCAC	03O	.0403
<u>Standard Commercial Fishing License Eligibility Criteria</u>	15A NCAC	03O	.0404
<u>Standard Commercial Fishing License Eligibility Pool Appl...</u>	15A NCAC	03O	.0405
<u>Standard Commercial Fishing License Eligibility Pool Cert...</u>	15A NCAC	03O	.0406
<u>General Permit Conditions</u>	15A NCAC	03O	.0502
<u>Suspension and Revocation of Permits</u>	15A NCAC	03O	.0504
<u>License, Permit, or Certificate Denial: Request for Review</u>	15A NCAC	03P	.0101
<u>Crab Spawning Sanctuaries</u>	15A NCAC	03R	.0110
<u>Purse Seines Prohibited</u>	15A NCAC	03R	.0111
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<u>Manner of Taking Inland Game Fishes</u>	15A NCAC	10C	.0302
<u>Taking Possession of Inland Game Fishes</u>	15A NCAC	10C	.0304
<u>Largemouth Bass</u>	15A NCAC	10C	.0305
<u>Crappie</u>	15A NCAC	10C	.0306

RULES REVIEW COMMISSION

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<u>Striped Bass</u>	15A NCAC	10C	.0314
<u>White Bass</u>	15A NCAC	10C	.0318
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<u>Smallmouth Bass</u>	15A NCAC	10C	.0321
<u>Alabama Bass and Spotted Bass</u>	15A NCAC	10C	.0322
<u>Redeye Bass</u>	15A NCAC	10C	.0323
<u>Bullheads</u>	15A NCAC	10C	.0324
<u>Trout</u>	15A NCAC	10C	.0325
<u>Red Drum</u>	15A NCAC	10C	.0326
<u>Manner of Taking Nongame Fishes</u>	15A NCAC	10C	.0401
<u>Taking Nongame Fishes by Special Device for Bait or Perso...</u>	15A NCAC	10C	.0402
<u>Special Devices</u>	15A NCAC	10C	.0404
<u>Possession of Licenses</u>	15A NCAC	10C	.0405
<u>Trawls and Dredges</u>	15A NCAC	10C	.0406
<u>Permitted Special Devices and Open Seasons</u>	15A NCAC	10C	.0407
<u>Taking and Possession of Nongame Fishes</u>	15A NCAC	10C	.0409
<u>American Eel</u>	15A NCAC	10C	.0410
<u>Atlantic Croaker</u>	15A NCAC	10C	.0411
<u>Black Drum</u>	15A NCAC	10C	.0412
<u>Blue Crab</u>	15A NCAC	10C	.0413
<u>Bluefish</u>	15A NCAC	10C	.0414
<u>Bowfin</u>	15A NCAC	10C	.0415
<u>Blue Catfish, Channel Catfish, and Flathead Catfish</u>	15A NCAC	10C	.0416
<u>Cobia</u>	15A NCAC	10C	.0417
<u>Freshwater Mussels</u>	15A NCAC	10C	.0418
<u>Grass Carp</u>	15A NCAC	10C	.0419
<u>King Mackerel</u>	15A NCAC	10C	.0420
<u>Margined Madtom and Tadpole Madtom</u>	15A NCAC	10C	.0421
<u>Striped Mullet and White Mullet</u>	15A NCAC	10C	.0422
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<u>Sheephead</u>	15A NCAC	10C	.0425
<u>Spanish Mackerel</u>	15A NCAC	10C	.0426
<u>Spot</u>	15A NCAC	10C	.0427
<u>Tarpon</u>	15A NCAC	10C	.0428
<u>Weakfish (Gray Trout)</u>	15A NCAC	10C	.0429
<u>Other Fish</u>	15A NCAC	10C	.0430
<u>Inland Game Fishes Designated in Coastal Fishing Waters</u>	15A NCAC	10C	.0701
<u>Bear Sanctuaries</u>	15A NCAC	10D	.0106
<u>Henderson County</u>	15A NCAC	10F	.0312
<u>Stanly County</u>	15A NCAC	10F	.0317
<u>Warren County</u>	15A NCAC	10F	.0318
<u>Burke County</u>	15A NCAC	10F	.0323
<u>Montgomery County</u>	15A NCAC	10F	.0327

RULES REVIEW COMMISSION

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<u>Northampton and Warren Counties</u>	15A NCAC	10F	.0336
<u>Pitt County</u>	15A NCAC	10F	.0354
<u>Halifax County</u>	15A NCAC	10F	.0378

MARINE FISHERIES COMMISSION

<u>Permits</u>	15A NCAC	18A	.0135
<u>Permits</u>	15A NCAC	18A	.0302
<u>Relaying Permits</u>	15A NCAC	18A	.0303
<u>Depuration Harvesting Permits</u>	15A NCAC	18A	.0304
<u>Dealer Tags</u>	15A NCAC	18A	.0425
<u>Shellfish Management Areas</u>	15A NCAC	18A	.0912

ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS, BOARD OF

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<u>Fees</u>	21 NCAC	02	.0108
<u>Definitions</u>	21 NCAC	02	.0109
<u>Architect, Registered Interior Designer, Firm or Partners...</u>	21 NCAC	02	.0201
<u>Applicability of Board Rules</u>	21 NCAC	02	.0202
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<u>Architectural Licensure by Examination</u>	21 NCAC	02	.0302
<u>Architecture Licensure by Reciprocity</u>	21 NCAC	02	.0303
<u>Interior Design Registration</u>	21 NCAC	02	.0306
<u>Scope</u>	21 NCAC	02	.0901
<u>Requirements</u>	21 NCAC	02	.0903
<u>Determination of Credit</u>	21 NCAC	02	.0904
<u>Record Keeping</u>	21 NCAC	02	.0905
<u>Exceptions</u>	21 NCAC	02	.0906
<u>Reinstatement</u>	21 NCAC	02	.0907
<u>Reciprocity</u>	21 NCAC	02	.0908
<u>Forms</u>	21 NCAC	02	.0909
<u>Non-Compliance</u>	21 NCAC	02	.0910

REAL ESTATE COMMISSION

<u>Broker-in-Charge Course</u>	21 NCAC	58A	.1712
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RULES REVIEW COMMISSION

<u>Application For Registration</u>	21 NCAC	58B	.0101
<u>Registration Fee</u>	21 NCAC	58B	.0102
<u>Renewal of Timeshare Program Registration</u>	21 NCAC	58B	.0103
<u>Amendments to Timeshare Program Registration</u>	21 NCAC	58B	.0104
<u>Notice of Termination</u>	21 NCAC	58B	.0105
<u>General Provisions</u>	21 NCAC	58B	.0201
<u>Public Offering Statement Summary</u>	21 NCAC	58B	.0202
<u>Receipt for Public Offering Statement</u>	21 NCAC	58B	.0203
<u>Proof of Cancellation</u>	21 NCAC	58B	.0301
<u>Retention of Timeshare Records</u>	21 NCAC	58B	.0401
<u>Timeshare Agency Agreements and Disclosure</u>	21 NCAC	58B	.0402
<u>Timeshare Trust Funds</u>	21 NCAC	58B	.0501
<u>Designation of Program Broker</u>	21 NCAC	58B	.0601
<u>Duties of the Program Broker</u>	21 NCAC	58B	.0602
<u>Limitation, Denial, Withdrawal, or Termination of Educati...</u>	21 NCAC	58H	.0210
<u>Limitation, Denial, or Withdrawal of Instructor Approval</u>	21 NCAC	58H	.0303

BUILDING CODE COUNCIL

<u>2018 NC Building Code/Hoistway Opening Protection</u>	Section 3006.3
<u>2018 NC Fire Code</u>	Section 304.4.2.3
<u>2018 NC Building Code/Hoistway Opening Protection Required</u>	Section 3006.2
<u>2018 NC Building Code/Unsafe Structures and Equipment</u>	Section 116
<u>2018 NC Residential Code/Retaining Walls</u>	R404.4

LIST OF APPROVED TEMPORARY RULES
May 19, 2022 Meeting

TRANSPORTATION - MOTOR VEHICLES, DIVISION OF

<u>Review of Denial for Ignition Interlock System</u>	19A NCAC	03K	.0103
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