NORTH CAROLINA REGISTER

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August 1, 2022

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PUBLISHED BY
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Contact List for Rulemaking Questions or Concerns

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

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

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Rule Review and Legal Issues

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1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

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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 — 919-715-2893
Raleigh, North Carolina 27603
contact: Amy Bason — amy.bason@ncacc.org

NC League of Municipalities — 919-715-2925
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Monica Jackson — mjackson@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building
300 North Salisbury Street — 919-733-2578
Raleigh, North Carolina 27611 — 919-715-5460 FAX

Jason Moran-Bates, Staff Attorney
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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	270th 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.

State of North Carolina

ROY COOPER
GOVERNOR

July 6, 2022

EXECUTIVE ORDER NO. 263

PROTECTING ACCESS TO REPRODUCTIVE HEALTH CARE SERVICES IN NORTH CAROLINA

WHEREAS, the United States Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* overturned almost fifty (50) years of legal precedent regarding the federal right to reproductive health care services; and

WHEREAS, reproductive freedom is still protected in North Carolina and reproductive health care services remain available in North Carolina; and

WHEREAS, the undersigned is committed to protecting reproductive freedom and the right for women to make their own medical decisions in North Carolina; and

WHEREAS, other states have enacted or plan to enact restrictions on reproductive health care access, including restrictions on abortion without exception for cases of rape or incest or when the health of the pregnant person is in danger; and

WHEREAS, those restrictions are forcing people to travel to other states that protect reproductive freedoms, including North Carolina, in order to access essential reproductive health care services; and

WHEREAS, other states may seek to impose criminal or civil penalties on health care workers or entities that provide reproductive health care services; and

WHEREAS, other states may seek to impose criminal or civil penalties on people who travel to North Carolina to access reproductive health care services; and

WHEREAS, North Carolina will serve as an increasingly critical access point for reproductive health care services for people across the Southeast and country; and

WHEREAS, research demonstrates that unnecessary restrictions and bans on reproductive health care rights have harmful consequences on people's health, safety, and economic stability; and

WHEREAS, unnecessary reproductive health care restrictions disproportionately impact people of color, people with disabilities, people with low incomes, and people who live in rural areas; and

WHEREAS, those who lawfully provide, assist, seek, or obtain reproductive health care services in North Carolina should not be subject to criminal or civil penalties in other states; and

WHEREAS, this Executive Order is not intended to change and does not change North Carolina law, but rather ensures that North Carolinians are afforded the protections and rights provided under North Carolina law; and

WHEREAS, pursuant to Article III of the Constitution of North Carolina and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government and ensuring that the laws are faithfully executed; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and duty to supervise the official conduct of all executive and ministerial officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 15A-726, the Governor has discretionary authority regarding the fulfillment of demands for extradition of individuals charged with crimes in other states.

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

Section 1. Definitions.

i. "Cabinet Agencies" are those agencies that are part of the Governor's Office or are headed by members of the Governor's Cabinet.

ii. "Reproductive health care services" means all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.

Section 2. Cabinet Agency Coordination to Protect Reproductive Health.

All Cabinet Agencies shall coordinate with each other and pursue opportunities to protect people or entities who are providing, assisting, seeking, or obtaining lawful reproductive health care services in North Carolina.

Section 3. No Assistance from Cabinet Agencies.

To the maximum extent permitted under federal or North Carolina law, and except as required by court order, no Cabinet Agency and no employee, officer, or other person acting on behalf of any Cabinet Agency may provide information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanction upon a person or entity for: (i) the provision of, securing of, receipt of, or any inquiry concerning reproductive health care services that are legal in North Carolina; or (ii) any assistance given to any person or entity that relates to the provision of, securing of, receipt of, or any inquiry concerning reproductive health care services that are legal in North Carolina.

This Section 3 shall not apply to any investigation or proceeding where the conduct that is the subject of potential liability or professional sanction under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional sanction under the laws of North Carolina if committed in North Carolina. Notwithstanding the general prohibition of this Section 3, Cabinet Agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding if provided at the written request of the subject of such an investigation or proceeding.

Section 4. Protection Against Extradition.

To the maximum extent permitted under the United States and North Carolina Constitutions, federal and state law, and pursuant to North Carolina General Statute Chapter 15A, Article 37, the undersigned will exercise his discretion to decline requests for the extradition of any person charged with a criminal violation in another state where the violation alleged arises out of the inquiry into, provision of, assistance with, securing of, or receipt of reproductive health care services that are lawful in North Carolina, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under North Carolina law.

Section 5. Travel for Pregnant Cabinet Agency Employees.

Cabinet Agencies may not require any pregnant Cabinet Agency employee to travel from North Carolina to a state that has imposed restrictions on access to reproductive health care services if those restrictions do not include an exception for the health of the pregnant Cabinet Agency employee satisfactory to that employee.

Section 6. Protecting Access to and Egress from Reproductive Health Care Facilities.

The North Carolina Department of Public Safety shall work with law enforcement agencies and reproductive health care services facilities to ensure the enforcement of N.C. Gen. Stat. § 14-277.4, which protects access to and egress from health care facilities.

Section 7. Participation of Other State Agencies.

All other state agencies are encouraged to voluntarily adopt the provisions of this Executive Order, or similar provisions.

Section 8. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 9. Savings Clause.

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

Section 10. Duration and Effective Date.

This Executive Order is effective immediately and shall remain in effect until repealed, replaced, or rescinded by future Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 6th day of July in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

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 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice *is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rule cited as 16 NCAC 06G .0508.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa*

Proposed Effective Date: *December 1, 2022*

Public Hearing:
Date: *August 18, 2022*
Time: *9:00 a.m.*
Location:
https://ncgov.webex.com/meet/lou.martin
Join by phone +1-415-655-0003 US Toll
Access code: 615 950 383

Reason for Proposed Action: *To provide charter school applicants, Charter School Advisory Board, Department of Public Instruction, and State Board of Education additional time to review charter school applications and provide applicants with the statutorily mandated (G.S. 115C-218.2) opportunity to correct applications before the State Board of Education makes a final decision to approve or deny an application.*
Note: proposed text is based upon the version that is pending legislative review.

Comments may be submitted to: *Thomas Ziko, 301 N. Wilmington Street, Raleigh, NC 27601; phone (984) 236-2249; email thomas.ziko@dpi.nc.gov*

Comment period ends: *September 30, 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 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0500 - CHARTER SCHOOLS

16 NCAC 06G .0508 CHARTER SCHOOLS APPLICATION AND REVIEW PROCESS

(a) Applications for charters, and the nonrefundable one thousand dollar ($1,000) fee, shall be received by the Office of Charter Schools no later than the last Friday in ~~July.~~ April.
(b) Applications and fees received after the deadline specified by the Office of Charter Schools will not be considered, and any affected applicant groups will be notified in writing.
(c) When determining whether to award a charter, the SBE shall consider any factors relevant to academic, financial, and governance of the school, including the extent to which the application:

(1) reflects the applicant's commitment to the purposes of the charter school law stated in G.S. 115C-218(a);
(2) promotes the use of different and innovative teaching methods;
(3) reflects the applicant's planning, research, and understanding of educational issues, including budgeting, financing, and accounting;
(4) describes a board whose size, diversity, and regional affiliations represent the community and are likely to promote community support for the school;
(5) contains articles of incorporation and by-laws;
(6) contains a budget that reflects anticipated revenues and costs, including costs associated with maintenance of the school facilities and projected growth;
(7) contains a plan for acquisition and utilization of a facility consistent with the proposed budget and timeline for opening school;
(8) describes a five year marketing plan that promotes a diverse student population; and

(9) any other factor that it determines will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.

Authority G.S. 115C-12; 115C-218, 115C-218.1; 115C-218.5.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 05 – BEHAVIOR ANALYST LICENSURE BOARD

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Behavior Analyst Licensure Board intends to adopt the rules cited as 21 NCAC 05 .0102, .0201-.0203, .0301, .0401-.0403, .0501 and .0601-.0603.*

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncbehavioranalystboard.org, see also: www.nc-aba.com*

Proposed Effective Date: *December 1, 2022*

Public Hearing:
Date: *August 23, 2022*
Time: *4:00 p.m.*
Location:
Zoom:
https://us02web.zoom.us/j/86416175229?pwd=cmFzbjFmSjFkZXJyZzdlMnZ3Nks2UT09

Reason for Proposed Action: *The agency was created in 2021 by the NC General Assembly. It is establishing rules to govern application and renewal procedures, fees, supervision, and disciplinary investigations.*

Comments may be submitted to: *Barden Culbreth, 1046 Washington Street, Raleigh, NC 27605; email barden@recanc.com*

Comment period ends: *September 30, 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 .0100 – GENERAL

21 NCAC 05 .0101 RESERVED FOR FUTURE CODIFICATION

21 NCAC 05 .0102 BOARD ADDRESS AND WEBSITE

(a) Unless otherwise directed, all correspondence shall be mailed to the following address:

701 Exposition Place
Suite 206
Raleigh, NC 27615

(b) The Board website shall be www.ncbehavioranalystboard.org.

Authority G.S. 90-734.

SECTION .0200 – APPLICATIONS

21 NCAC 05 .0201 APPLICATION FOR LICENSURE OF LICENSED BEHAVIOR ANALYST AND LICENSED ASSISTANT BEHAVIOR ANALYST

(a) The Behavior Analyst License applicant shall submit the following to the Board:

(1) Completed application developed and provided by the Board;
(2) Official documentation of the education degree required for license;
(3) Documentation of all previous professional human services licenses held by the applicant;
(4) Attestation that the applicant has read and agrees to adhere to the current version of the Ethics Code for Behavior Analysts published by the certifying entity;
(5) Documentation of all work experience in the field of behavior analysis, including internships, practicum, and other field experience completed as part of an educational course of study;
(6) Documentation of all certifications of behavior analysis currently or previously granted by national or other state certification bodies;
(7) Payment of all required fees; and
(8) Signed consent form provided by the State Bureau of Investigation or NC Department of Justice authorizing the completion of a certified criminal records check based on the applicant's fingerprints provided to a local law enforcement office.

(b) The Assistant Behavior Analyst License applicant shall submit the following to the Board:

(1) Completed application developed and provided by the Board;
(2) Official documentation of the education degree required for license;
(3) Documentation of all previous professional human services licenses held by the applicant;
(4) Attestation that the applicant has read and agrees to adhere to the current version of the Ethics Code for Behavior Analysts published by the certifying entity;
(5) Documentation of all work experience in the field of behavior analysis, including internships, practicum, and other field experience completed as part of an educational course of study;
(6) Documentation of all certifications of behavioral analysis currently or previously granted by national or other state certification bodies;
(7) Payment of all required fees; and
(8) Signed consent form provided by the State Bureau of Investigation or NC Department of Justice authorizing the completion of a certified criminal records check based on the applicant's fingerprints provided to a local law enforcement office.

Authority G.S. 90-736-738.

21 NCAC 05 .0202 REFERENCES

(a) The application for Behavior Analyst License and Assistant Behavior Analyst shall include two letters of reference, to be submitted to the Board using a portal in the application software. The two letters of references shall include:
(1) Name of reference and applicant;
(2) Period of time the reference has known the applicant;
(3) Nature of professional relationship; and
(4) Knowledge of the applicant's training, experience, professional skills, and adherence to legal and ethical standards.

(b) Letters of reference shall be submitted electronically to the Board.

Authority G.S. 90-737.2; 90-737.3.

21 NCAC 05 .0203 CERTIFICATION

(a) The applicant for Behavior Analyst License and Assistant Behavior Analyst shall submit an official copy of the applicant's Behavior Analyst certification to the Board.
(b) The applicant for Assistant Behavior Analyst shall submit an official copy of the applicant's Behavior Analyst certification to the Board.
(c) The Board shall accept the Behavior Analyst certification electronically submitted to the Board on behalf the applicant.

Authority G.S. 90-737.2; 90-737.3.

SECTION .0300 - FEES

21 NCAC 05 .0301 FEES

(a) The fees to obtain a Behavior Analyst License shall be:
(1) Application Fee – Two hundred fifty dollars ($250.00);
(2) Renewal Fee – Two hundred dollars ($200.00);
(3) Late Renewal Fee – Fifty dollars ($50.00);
(4) Reciprocity Fee – Two hundred fifty dollars ($250.00); and
(5) Temporary License Fee – One hundred dollars ($100.00).

(b) The fees to obtain an Assistant Behavior Analyst License shall be:
(1) Application Fee – Two hundred dollars ($200.00);
(2) License renewal Fee – One hundred fifty dollars ($150.00);
(3) Late renewal Fee – Fifty dollars ($50.00);
(4) Reciprocal license application Fee – Two hundred dollars ($200.00); and
(5) Temporary license application Fee – One hundred dollars ($100.00).

(c) The Board may amend any fee imposed on an applicant or licensee in accordance with G.S. 93B-15.

Authority G.S. 90-743.

SECTION .0400 – SUPERVISION AND TELEHEALTH

21 NCAC 05 .0401 SUPERVISION OF ASSISTANT BEHAVIOR ANALYST

(a) Applicants for licensure as an assistant behavior analyst shall provide a supervisory agreement signed by the licensed behavior analyst and the licensed assistant behavior analyst.
(b) Applicants for licensure as an assistant behavior analyst shall maintain a copy of the signed supervisory agreement and any supervisory documentation. The supervisor of the licensed assistant behavior analyst shall maintain a copy of the signed supervisor agreement and supervisory documentation for at least seven years following the termination of the supervisory relationship. This documentation shall be made available to the Board upon request.
(c) Delegation shall be made if, in the judgment of the licensed behavior analyst, the task or procedures can be properly and safely performed by an appropriately trained assistant behavior analyst or other person, and the delegation does not jeopardize the health or safety of the client.
(d) Supervision activities by the licensed behavior analyst include:
(1) Direct observation of the supervisee implementing behavior analytic assessment and intervention procedures with clients in natural environments and/or training others to implement them, with feedback from the supervisor. The observation may be done in-person, on-site, or using asynchronous or synchronous formats.
(2) One-to-one, live, person-to-person, or synchronous virtual interactions between supervisor and supervisee to review and discuss

assessment and treatment plans and procedures, client assessment and progress data and reports, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies.

(3) Live, person-to-person, or synchronous virtual interactions between a supervisor and a group of supervisees to review and discuss assessment and treatment plans and procedures, client assessment and progress data and reports, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies.

(4) Informal interactions between supervisors and supervisees via telephone, electronic mail, and other written communication are encouraged but shall not be considered formal supervision for the purposes of this Chapter.

(e) The frequency and nature of supervision interactions shall be consistent with the supervisory requirements set forth by the certifying entity, as defined in G.S. 90-732.

Authority G.S. 90-738.

21 NCAC 05 .0402 SUPERVISION OF BEHAVIOR TECHNICIANS

(a) Behavior technicians shall be supervised by a licensed behavior analyst or a licensed assistant behavior analyst.

(b) Any licensed behavior analyst or licensed assistant behavior analyst employing or supervising behavior technicians who are implementing applied behavior analysis interventions designed by the licensed behavior analyst or licensed assistant behavior analyst shall maintain professional responsibility for the quality of the interventions rendered and for the effects of the interventions upon the client, patient, or other individuals.

(c) The behavior analyst shall have face-to-face contact, including in-person and/or synchronous virtual interactions, during the course of services with all patients, clients, or other recipients of services delivered by behavior technicians as part of the interventions designed by the licensed behavior analyst's or licensed assistant behavior analyst's.

(d) Any licensed behavior analyst or licensed assistant behavior analyst employing or supervising behavior technicians who are implementing applied behavior analysis interventions designed by the licensed behavior analyst or licensed assistant behavior analyst shall maintain sufficient documentation to demonstrate their adherence to this Rule. Such documentation may include but is not limited to supervision contracts, supervision logs, supervision notes, meeting notes. The licensed behavior analyst or licensed assistant behavior analyst shall maintain documentation of the employee's or supervisee's training for at least seven years following the termination of applied behavior analysis services by the behavior technician.

(e) Behavior technicians shall be utilized to perform only:

(1) Non-client-related tasks, including but not limited to clerical and maintenance activities and the preparation of the work area and equipment;

(2) Certain routine client-related tasks that, in the opinion of and under the supervision of a licensed behavior analyst or a licensed assistant behavior analyst, have no potential to adversely impact the client or the client's treatment plan and do not constitute the practice of behavior analysis; and

(3) The behavior technician shall not design assessment or intervention plans or procedures.

(f) Failure of any licensed behavior analyst or licensed assistant behavior analyst to train and supervise behavior technicians shall subject that licensed behavior analyst or licensed assistant behavior analyst to disciplinary action pursuant to 21 NCAC 05 .0603.

Authority G.S. 90-745.

21 NCAC 05 .0403 TELEHEALTH AND TELEPRACTICE

(a) Requirements for Licensees Providing Applied Behavior Analytic Services via Telehealth

(1) A licensee who provides applied behavior analytic services via telehealth shall:

(A) Maintain competence with the technologies utilized, including understanding and adequately addressing the actual and potential impact of those technologies on clients, supervisees, or other professionals;

(B) Maintain compliance with the NC Behavior Analyst Practice Act and the certifying body's ethics code, and all other applicable federal, state, and local laws;

(C) At the onset of the delivery of care via telehealth, identify appropriate emergency response contacts local to the client so that those contacts shall be readily accessible in the event of an emergency;

(D) Protect and maintain the confidentiality of data and information in accordance with all applicable federal, state, and local laws; and

(E) Dispose of data and information only in accordance with federal, state, and local law and in a manner that protects the data and information from unauthorized access.

(2) If applied behavior analysis services commence via telehealth, the licensee shall, at the initial meeting with the client:

(A) Make reasonable attempts to verify the identity of the client;

(B) Obtain alternative means of contacting the client other than electronically;

(C) Provide to the client alternative means of contacting the licensee other than electronically;

(D) Document if the client has the necessary knowledge and skills to benefit from the type of telehealth to be provided by the licensee; and

(E) Inform the client in writing about and obtain the client's informed written consent regarding:

(i) The limitations of using technology in the provision of applied behavior analytic services;

(ii) Potential risks to confidentiality of information due to technology in the provision of applied behavior analytic services;

(iii) Potential risks of disruption in the use of telehealth technology;

(iv) When and how the licensee will respond to routine electronic messages;

(v) In what circumstances the licensee will use alternative communications for emergency purposes;

(vi) Who else may have access to client communications with the licensee;

(vii) How communications can be directed to a specific licensee;

(viii) How the licensee stores electronic communications from the client; and

(ix) That the licensee or client may elect to discontinue the provision of services through telehealth at any time.

(b) Jurisdictional Considerations

(1) A person providing applied behavior analytic services via telehealth to a person physically located in North Carolina while services are provided shall be licensed by the board.

(2) A person providing applied behavior analytic services via telehealth from a physical location in North Carolina shall be licensed by the board and may be subject to licensure requirements in other states where the services are received by the client.

(c) Representation of Services and Code of Conduct - A licensee using telehealth to deliver services shall not:

(1) Engage in false, misleading, or deceptive advertising; nor

(2) Split fees.

Authority G.S. 90-738.

SECTION .0500 - ETHICS

21 NCAC 05 .0501 ETHICS

The Board shall use those policies, publications, guidelines, and casebooks developed by the certifying entity in determining whether violations of the Ethics Code for Behavior Analysts have occurred. In addition, publications, guidelines, policies, and statements provided by the certifying entity and bodies may be used in interpreting the Ethics Code for Behavior Analysts.

Authority G.S. 90-731; 90-734; 90-743.

SECTION .0600 – DISCIPLINARY INVESTIGATION

21 NCAC 05 .0601 COMPLAINT PROCEDURES

(a) Initiation. Any individual with personal knowledge that any person has violated the Code of Conduct, any other rules of the Board, or G.S. 90, Article 43 may file a complaint against the behavior analyst professional by submitting a complaint through the Ethics Complaint Form found on the Board's website.

(b) Form. The complaint shall be in written or typed format stating the nature of the alleged offense and signed or attested to be true by the complainant. The complaint shall include:

(1) the name, address, and telephone number of the complainant;

(2) the name and address of the person against whom the complaint is made; and

(3) a statement of the facts that describes the allegations against the person.

(c) The complaint shall be investigated as set out in Rule .0602 of this Chapter.

(d) Following an investigation of the complaint, the ethics committee shall try to reach a settlement through informal procedures pursuant to G.S. 150B-22.

(e) Once the ethics committee concludes there is a basis to schedule a disciplinary hearing before the Board, the committee chairperson shall notify the person against whom the complaint is made. The notice to the respondent shall include the following:

(1) state the section(s) of the Code of Conduct, other rules of the Board, or G.S. 90, Article 43 which the complaint alleges has been violated;

(2) direct that the respondent reply in writing and by certified mail within 15 days of receipt of this notice; and

(3) inform the respondent that failure to respond in writing within 15 days may result in revocation of credential.

(f) Notice shall be given by regular postage mail, certified mail, or personal service at the last known address of the respondent. If given by certified mail, notice shall be deemed to have been given on the delivery date appearing on the return receipt.

(g) The Board may receive official correspondence in an ethics case through e-mail in order to further the investigation or when the subject of an investigation is unable to use or has been unresponsive to certified mail or other methods of delivery. The Board may use local law enforcement or a private investigator

licensed by Private Protective Services Board to personally serve a respondent.

(h) If notice cannot be given either by personal service or by certified mail, a notice that a complaint has been brought against the respondent shall then be given by publication. A party that cannot with due diligence be served by personal delivery or certified mail may be given notice to respond to a complaint by publication. Service of notice by publication shall consist of publishing a notice by publication once a week for three successive weeks in a newspaper that is qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and circulated in the area where the party to be served is believed by the serving party to be located, or if there is no reliable information concerning the location of the party then in a newspaper circulated in the county of respondent's last address provided to the Board by the respondent. There shall be mailed to the party at or prior to the first publication a copy of the notice to respond by publication to the respondent's last known address. Upon completion of service there shall be filed with the Board by the ethics committee chairperson an affidavit showing the publication and mailing substantially in accordance with the requirement of G.S. 1-75.10(2), the circumstances warranting the use of service by publication, and information, if any, regarding the location of the party served. The notice shall include a statement by the Board that a complaint has been made against the respondent that is scheduled to be heard by the Board within 90 days. The notice shall inform respondent that respondent shall be given 30 days from the date of the last date of publication in which to respond to the service by publication for the purpose of notifying the Board of respondent's whereabouts. Response shall be made in writing to the Board at the address provided by the Board in its notice. If respondent provides the Board with information whereby respondent can be served by the deadline specific in the notice, the Board shall provide notice either personally or by certified mail as provided in Paragraph (g) of this Rule. Failure of respondent notified by publication of a complaint brought by the Board shall be treated as a failure of respondent to reply to the charges.

(i) Failure of the respondent to reply to the charges, including each specific allegation, may be considered an admission of the facts contained in the allegation(s).

Authority G.S. 90-731-737.

21 NCAC 05 .0602 INVESTIGATION OF COMPLAINT

(a) The Ethics Committee chairperson, in consultation with the administrative director or their designee and legal counsel, shall investigate the allegations in the complaint. The chairperson may appoint any person(s) or name a subcommittee to serve as the investigating entity to prepare an investigative report.

(b) The investigating entity may contact the complainant and person against whom the complaint is made.

(c) Upon completion of the investigation, the ethics committee chairperson in consultation with the investigating entity may determine that:

(1) the complaint is without merit. The chairperson shall notify the complainant that the complaint is dismissed and shall notify the respondent of the dismissal; and

(2) upon completion of an investigation wherein the complaint is not dismissed, the Ethics Committee chairperson may:

(A) offer an informal resolution pursuant to G.S. 150B-22;

(B) schedule a meeting with the respondent;

(C) refer the report to the ethics committee or its hearing panel;

(D) schedule a hearing before the Board; or

(E) the chairperson may take a voluntary dismissal of the case where the respondent relinquishes their credential for an agreed upon period of time.

(d) The Ethics Committee members or its subcommittees shall review a report referred by the Ethics Committee chairperson and may take any of the following actions:

(1) dismiss the complaint;

(2) remand the matter to the investigating entity in order to obtain additional evidence sufficient upon which to base a decision;

(3) make a written offer of informal resolution;

(4) schedule a meeting with the respondent whereby the dispute may be settled through informal procedures; or

(5) schedule a disciplinary hearing, in accordance with G.S. 150B, Article 3A, before the Board.

Authority G.S. 90-731-737.

21 NCAC 05 .0603 METHOD OF DISCIPLINE

(a) In the course of the disciplinary investigation or hearing the Board may:

(1) deny a credential;

(2) revoke a credential;

(3) suspend a credential until further order of the Board or for a specified period of time;

(4) reprimand the Respondent; or

(5) take other actions not to be considered a disciplinary action, including a letter of caution or letter of warning without the consent of the Respondent.

(b) Disciplinary or other actions by the Board with the Respondent's consent may be stayed while the Respondent satisfies all of the conditions of the consent order.

Authority G.S. 90-731-737.

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CHAPTER 16 – BOARD OF DENTAL EXAMINERS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16B .0303 and 16C .0303.*

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

Proposed Effective Date: *December 1, 2022*

Public Hearing:
Date: *September 8, 2022*
Time: *6:30 p.m.*
Location: *2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

Reason for Proposed Action:
21 NCAC 16B .0303 *and* ***21 NCAC 16C .0303*** *are proposed for amendment consistent with anticipated legislative changes enabling the Board to accept clinical examinations administered on either human subjects or an approved alternative method that simulates human subjects, including manikins.*

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

Comment period ends: *September 30, 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**

SUBCHAPTER 16B - LICENSURE DENTISTS

SECTION .0300 - APPLICATION FOR LICENSURE

21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS

(a) All applicants for dental licensure shall achieve a passing score of at least 80 percent on the Board's sterilization and jurisprudence examinations. Applicants may take reexamination in accordance with Rule .0317 of this Section.

(b) All applicants for dental licensure shall achieve passing scores on the examination administered by the Joint Commission on National Dental Examinations and clinical examinations administered by Board approved testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in Paragraphs (c) and (d) of this Rule.

(c) To qualify as an approved testing agency, the test-development agencies shall allow a representative of the Board to serve on the Board of Directors and the Examination Review Committee of the ~~agency.~~ agency and allow Board input in the examination development and administration.

(d) To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

(1) include procedures performed on human subjects or an alternative method that simulates human subjects, including manikins, as part of the assessment of restorative clinical competencies;

(2) include evaluations in clinical periodontics and at least three of the following subject matter areas:
- (A) endodontics, clinical abilities testing;
- (B) amalgam preparation and restoration;
- (C) anterior composite preparation and restoration;
- (D) posterior ceramic or composite preparation and restoration;
- (E) prosthetics, written or clinical abilities testing;
- (F) oral diagnosis, written or clinical abilities testing; or
- (G) oral surgery, written or clinical abilities testing; and

(3) provide the following:
- (A) anonymity between applicants and examination graders;
- (B) standardization and calibration of graders;
- (C) a mechanism for post exam analysis;
- (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged, or overall scoring to compensate for failures in individual subject areas;
- (E) a minimum passing score set by the testing agency for each subject area tested;
- (F) an annual review of the examination;
- (G) a task analysis performed at least once every seven years, that surveys dentists nationwide to determine the content of the examination;
- (H) a system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and

(I) does not permit a dental instructor to grade candidates at any institution at which the instructor is employed.

(e) The Board shall accept examination scores for five years following the date of the examinations. Each applicant shall arrange for ~~and ensure the submission~~ the applicant's scores to be submitted to the Board office. ~~office the applicant's scores.~~ Individuals who apply for licensure more than five years after the examination date ~~to seek licensure~~ shall re-take the examination.

(f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.

Authority G.S. 90-30; 90-48.

SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS

SECTION .0300 - APPLICATION

21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS

(a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination shall be governed by Rule .0311 of this Section.

(b) All applicants for dental hygiene licensure shall achieve passing scores on the examination administered by the Joint Commission on National Dental Examinations and clinical examinations administered by Board approved testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in Paragraphs (c) and (d) of this Rule.

(c) To qualify as an approved testing agency, the test-development agencies shall allow Board representation on the examination review committee and the board of directors of the agency and allow Board input in the examination development and administration.

(d) To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

(1) include procedures performed on human subjects or an alternative method that simulates human subjects, including manikins, as part of the assessment of clinical competency;

(2) include probing, supra- and subgingival scaling, and soft tissue management; and

(3) provide the following:

(A) anonymity between applicants and examination graders;

(B) standardization and calibration of graders;

(C) a mechanism for post exam analysis;

(D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged, or overall scoring to compensate for failures in individual subject areas;

(E) a minimum passing score set by the testing agency for each subject area tested;

(F) an annual review of the examination;

(G) a task analysis performed at least once every seven years that surveys dentists nationwide to determine the content of the examination;

(H) a system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and

(I) does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is employed.

(e) The Board shall accept examination scores for five years following the date of the examination. Individuals who apply for licensure more than five years after the examination date shall re-take the examination. Each applicant shall arrange for the applicant's scores to be submitted to the Board office.

(f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.

Authority G.S. 90-224.

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

Rules approved by the Rules Review Commission at its meeting on June 16, 2022 Meeting.

		REGISTER CITATION TO THE NOTICE OF TEXT
PESTICIDE BOARD		
Prohibited Acts	02 NCAC 09L .0530*	36:17 NCR
Prohibited Acts	02 NCAC 09L .1112*	36:17 NCR
NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF		
Reproduction Service	07 NCAC 02H .0306*	36:14 NCR
PRIVATE PROTECTIVE SERVICES BOARD		
Application for License and Trainee Permits	14B NCAC 16 .0201	36:15 NCR
Renewal or Re-issue of Licenses and Trainee Permits	14B NCAC 16 .0203*	36:15 NCR
Reports	14B NCAC 16 .0404	35:15 NCR
Renewal of Unarmed Security Guard Registration	14B NCAC 16 .0706*	36:15 NCR
Renewal of Armed Security Guard Firearm Registration Permit	14B NCAC 16 .0806*	36:15 NCR
Renewal of a Firearms Trainer Certificate	14B NCAC 16 .0904*	36:15 NCR
Renewal of an Unarmed Trainer Certificate	14B NCAC 16 .0911*	36:15 NCR
Renewal or Reissue of Unarmed Car Service Guard Registration	14B NCAC 16 .1306*	36:15 NCR
Renewal of Armed Armored Car Service Guard Firearm Regist...	14B NCAC 16 .1406*	36:15 NCR
MARINE FISHERIES COMMISSION		
Assignment of Shellfish Leases and Franchises	15A NCAC 03O .0209*	36:07 NCR
COASTAL RESOURCES COMMISSION		
Purpose	15A NCAC 07H .1701*	34:09 NCR
Approval Procedures	15A NCAC 07H .1702*	34:09 NCR
Permit Fee	15A NCAC 07H .1703	34:09 NCR
General Conditions	15A NCAC 07H .1704	34:09 NCR
Specific Conditions	15A NCAC 07H .1705*	34:09 NCR
Purpose	15A NCAC 07H .1901	34:09 NCR
Approval Procedures	15A NCAC 07H .1902	34:09 NCR
Permit Fee	15A NCAC 07H .1903	34:09 NCR
General Conditions	15A NCAC 07H .1904*	34:09 NCR
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Purpose	15A NCAC 07H .2501*	34:09 NCR
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Permit Fee	15A NCAC 07H .2503	34:09 NCR
General Conditions	15A NCAC 07H .2504*	34:09 NCR
Specific Conditions	15A NCAC 07H .2505	34:09 NCR
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Definitions	15A NCAC 18A .2508*	36:17 NCR

Display Spa at a Temporary Event	15A NCAC	18A	.2545*	36:17 NCR
Disbursement of Funds	15A NCAC	18A	.2901	36:17 NCR
EDUCATION, STATE BOARD OF				
Provide Information on Child Abuse and Neglect	16 NCAC	06D	.0403*	36:17 NCR
CHIROPRACTIC EXAMINERS, BOARD OF				
Acupuncture	21 NCAC	10	.0208	36:11 NCR
Professional Entities	21 NCAC	10	.0217*	36:11 NCR
DENTAL EXAMINERS, BOARD OF				
Licensure	21 NCAC	16C	.0101	36:16 NCR
Application Certification of Licensure	21 NCAC	16F	.0102	36:16 NCR
Certificate of Registration	21 NCAC	16F	.0104	36:16 NCR
Application for Renewal or Reinstatement	21 NCAC	16F	.0105*	36:16 NCR
Amendments to Articles of Incorporation or Organization, ...	21 NCAC	16F	.0107*	36:16 NCR
Corporate Officers or Managers Shall Execute Documents	21 NCAC	16F	.0110	36:16 NCR
Procedures Prohibited	21 NCAC	16G	.0103	36:16 NCR
Dental Hygienist Certification to Administer Local Anesth...	21 NCAC	16G	.0109	36:16 NCR
Approved Courses and Sponsors	21 NCAC	16I	.0202	36:16 NCR
Inspection Authorized	21 NCAC	16Q	.0704	36:16 NCR
Approved Courses and Sponsors	21 NCAC	16R	.0202*	36:16 NCR
Definition: Unprofessional Conduct by a Dentist	21 NCAC	16V	.0101*	36:16 NCR
Definition: Unprofessional Conduct by a Dental Hygienist	21 NCAC	16V	.0102*	36:16 NCR
Eligibility to Practice Hygiene Outside Direct Supervision	21 NCAC	16Z	.0101	36:16 NCR
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Disposition of Request	21 NCAC	32A	.0112*	36:17 NCR
Administration of Vaccines by Pharmacists	21 NCAC	32U	.0101	36:17 NCR
Administration of Long-Acting Injectables	21 NCAC	32U	.0102	35:17 NCR
PHARMACY, BOARD OF				
Code of Ethics	21 NCAC	46	.1820*	36:16 NCR
Administration of Vaccines by Pharmacists	21 NCAC	46	.2507*	36:16 NCR
Administration of Long-Acting Injectables	21 NCAC	46	.2514*	36:16 NCR
CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED				
Professional Disclosure Statement Requirements for LCMHCA...	21 NCAC	53	.0204*	36:17 NCR
Counseling Experience and Out of State Applicants	21 NCAC	53	.0205*	36:17 NCR
Receipt of Application	21 NCAC	53	.0308*	36:17 NCR
Renewal Period	21 NCAC	53	.0601*	36:17 NCR
Renewal for Licensure Form; Address Change; Name Change	21 NCAC	53	.0602*	36:17 NCR
Failure to Secure Sufficient Continuing Education/Renewal...	21 NCAC	53	.0604	36:17 NCR
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Continuing Education	21 NCAC	57A	.0204	36:16 NCR

Expired Registration, License or Certificate	21 NCAC	57A	.0206	36:16 NCR
Replacement Registration, License and Certificate Fees	21 NCAC	57A	.0208*	36:16 NCR
National Appraiser Registry	21 NCAC	57A	.0209*	36:16 NCR
Temporary Practice	21 NCAC	57A	.0210*	36:16 NCR
Display of Registration, Licenses and Certificates	21 NCAC	57A	.0402*	36:16 NCR
Change of Name or Address	21 NCAC	57A	.0404	36:16 NCR
Appraisal Standards	21 NCAC	57A	.0501	36:16 NCR
Registered Trainee Course Requirements	21 NCAC	57B	.0101	36:16 NCR
Course Records	21 NCAC	57B	.0210	36:16 NCR
Course Completion Standards	21 NCAC	57B	.0303	36:16 NCR
Course Scheduling	21 NCAC	57B	.0304	36:16 NCR
Criteria for Course Recognition	21 NCAC	57B	.0307	36:16 NCR
Original Course Approval Fee	21 NCAC	57B	.0402	36:16 NCR
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Course Operational Requirements	21 NCAC	57B	.0606	36:16 NCR
Sponsor Reporting of Continuing Education Credit	21 NCAC	57B	.0608	36:16 NCR
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Designation as Alcohol and Drug Counselor Intern	21 NCAC	68	.0203*	36:16 NCR
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Renewal Requirements for Counselor, Criminal Justice Addi...	21 NCAC	68	.0208	36:16 NCR
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Licensure Requirements for Initial Applicants for Licensed..	21 NCAC	68	.0305	36:16 NCR
Renewal of Licensed Clinical Addictions Specialist	21 NCAC	68	.0306*	36:16 NCR

The following rules are subject to Legislative Review:

MARINE FISHERIES COMMISSION

Suspension, Revocation and Reissuance of Licenses	15A NCAC	03O	.0114*	36:07 NCR

APPRAISAL BOARD

Qualifications for Trainee Registration and Appraiser Lic...	21 NCAC	57A	.0201	36:16 NCR
Appraisal Reports	21 NCAC	57A	.0405	36:16 NCR
Supervision of Trainees	21 NCAC	57A	.0407	36:16 NCR
Experience Credit to Upgrade	21 NCAC	57A	.0601	36:16 NCR
Types of Appraisal Experience	21 NCAC	57A	.0604	36:16 NCR
Reporting Appraisal Experience	21 NCAC	57A	.0605	36:16 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 09L .0530 PROHIBITED ACTS

A final order imposing civil liability under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (codified at 7 USC 136l(a)) against any pesticide dealer, pesticide applicator, public operator, or pest control consultant, or a criminal conviction or entry of a plea of guilty or of nolo contendere under Section 14(b) of FIFRA (7 USC 136l(b)) by any pesticide dealer, pesticide applicator, public operator, or pest control consultant shall constitute grounds for the denial, suspension, or revocation of any license or certification issued by the Board.

History Note: Authority G.S. 143-437; 143-451(a)(3); 143-456(a)(5); 143-461(1);
Eff. July 1, 2022.

02 NCAC 09L .1112 PROHIBITED ACTS

A final order imposing civil liability under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (codified at 7 USC 136l(a)) against any private pesticide applicator, or a criminal conviction or entry of a plea of guilty or of nolo contendere under Section 14(b) of FIFRA (7 USC 136l(b)) by any private pesticide applicator, shall constitute grounds for the denial, suspension, or revocation of any license or certification issued by the Board.

History Note: Authority G.S. 143-437(1); 143-451(a)(3); 143-456(a)(5); 143-461(1);
Eff. July 1, 2022.

TITLE 07 – DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

07 NCAC 02H .0306 REPRODUCTION SERVICE

History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Repealed Eff. July 1, 2022.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

(1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;

(2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

(3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;

(4) the applicant's non-refundable application fee, along with a four dollar ($4.00) convenience fee and credit card transaction fee;

(5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

(6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process; and

(7) five letters attesting to the good character and reputation of the applicant using the online character letter submission process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022; July 1, 2021.

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

(1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
(2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
(3) the applicant's renewal fee, along with a four dollar ($4.00) convenience fee and credit card transaction fee; and
(4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e).

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

(1) an online Application For Reinstatement of an Expired License;
(2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
(3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
(4) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
(5) the applicant's non-refundable application fee, along with a four dollar ($4.00) convenience fee and credit card transaction fee;
(6) proof of liability insurance as set out in G.S. 74C-10(e); and
(7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of Investigations, with payment to be paid online through the Board's online application process.

(d) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;
Eff. June 1, 1984;
Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. July 1, 2022; July 1, 2021.

14B NCAC 16 .0404 REPORTS

(a) In addition to the requirements in G.S. 74C-12(a)(20), private investigators shall make and offer to each client a written report containing the findings and details of the investigation within 30 days after the completion of the investigation for which the client has paid the investigator for the services. The licensee shall retain a copy of the written report, and if provided to the client, proof of such delivery.

(b) Descriptive reports, chronological reports, cover letters, and itemized invoices to the client shall be personally signed by a licensee. The file copy shall reflect the names of all participating employees and a description of the work performed by each one. These documents shall be retained by the licensee who signed the report.

History Note: Authority G.S. 74C-5;
Eff. June 1, 1984;
Amended Eff. October 1, 2010; July 1, 1987;
Transferred and Recodified from 12 NCAC 07D .0404 Eff. July 1, 2015;
Readopted Eff. August 1, 2020;
Amended Eff. July 1, 2022; July 1, 2021.

14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be

submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

(1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

(2) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;

(3) the applicant's renewal fee, along with the four dollar ($4.00) convenience fee and credit card transaction fee; and

(4) upload a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. July 1, 2022.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

(1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

(2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;

(3) the applicant's renewal fee, along with the four dollar ($4.00) convenience fee and credit card transaction fee;

(4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

(5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and

(6) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(e) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

(f) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60th day if requalification requirements have not been met.

History Note: Authority G.S. 74C-5; 74C-13;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;
Amended Eff. January 1, 2018; November 1, 2017;

Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022.

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

(1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;

(2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months; and

(3) the applicant's renewal fee, along with the four dollar ($4.00) convenience fee and credit card transaction fee.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(f) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60th day if requalification requirements have not been met.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;
Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022.

14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE

(a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:

(1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the application process;

(2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed instruction performed during the current unarmed trainer certification period;

(3) a statement verifying the classes taught during the current unarmed trainer certification period on a form provided by the Board as part of the online application process; and

(4) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;
Eff. August 1, 2004;
Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;

Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;
Readopted Eff. March 1, 2020;
Amended Eff. July 1, 2022.

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete an online form provided by the Board. This online form shall be submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

(1) upload online a statement of the results of a statewide criminal history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
(2) the applicant's renewal fee, along with a four dollar ($4.00) convenience fee and credit card transaction fee.
(3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission; and
(4) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.
(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.
(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);
Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. July 1, 2022.

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card his or her employer or designee shall complete an online form provided by the Board. This online form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

(1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
(2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
(3) the applicant's renewal fee, along with a four dollar ($4.00) convenience fee and credit card transaction fee;
(4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
(5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
(6) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.
(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and completed application, including the completed affidavit form, to serve as a record of application for renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.
(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;
Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. July 1, 2022.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 03O .0114 SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES

(a) All commercial and recreational licenses issued under Article 14A, Article 14B, and Article 25A of Chapter 113 shall be subject to suspension and revocation.

(b) A conviction resulting from being charged by an inspector under G.S. 14-32, 14-33, 14-72, or 14-399 shall be deemed a conviction for the purposes of license suspension or revocation.

(c) Upon receipt of notice of a licensee's conviction as specified in G.S. 113-171 or a conviction as specified in Paragraph (b) of this Rule, the Fisheries Director shall determine whether it is a first, second, third, fourth, or subsequent conviction. Where several convictions result from a single transaction or occurrence, the convictions shall be treated as a single conviction for the purposes of license suspension or revocation. For a second conviction, the Fisheries Director shall suspend all licenses issued to the licensee for a period of 30 days; for a third conviction, the Fisheries Director shall suspend all licenses issued to the licensee for a period of 90 days; for a fourth or subsequent conviction, the Fisheries Director shall revoke all licenses issued to the licensee, except:

(1) for a felony conviction under G.S. 14-399, the Fisheries Director shall suspend all licenses issued to the licensee for a period of one year;

(2) for a first conviction under G.S. 113-187(d)(1), the Fisheries Director shall suspend all licenses issued to the licensee for a period of one year; for a second or subsequent conviction under G.S. 113-187(d)(1), the Fisheries Director shall revoke all licenses issued to the licensee;

(3) for a conviction under G.S. 14-72, 113-208, 113-209, 113-268, or 113-269, the Fisheries Director shall revoke all licenses issued to the licensee; and

(4) for a conviction under G.S. 14-32 or 14-33, if the offense was committed against a marine fisheries inspector, the Fisheries Director shall revoke all licenses issued to the licensee and the former licensee shall not be eligible to apply for reinstatement of a revoked license or for any additional license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 for a period of two years.

(d) After the Fisheries Director determines that a conviction requires a suspension or revocation of the licenses of a licensee, the Fisheries Director shall cause the licensee to be served with written notice of suspension or revocation. If the licensee is not an individual, the written notice shall be served upon any responsible individual affiliated with the corporation, partnership, or association. The notice of suspension or revocation shall be served by an inspector or other agent of the Department or by certified mail, shall state the ground upon which it is based, and shall take effect immediately upon service. The agent of the Fisheries Director making service shall collect all license certificates and plates and other forms or records relating to the license as directed by the Fisheries Director. Upon service of a notice of suspension or revocation of a license, it shall be unlawful to fail to surrender any license so suspended or revoked.

(e) If a license has been suspended, the former licensee shall not be eligible to apply for reissuance of license or for any additional license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 during the suspension period. Licenses shall be returned to the licensee by the Fisheries Director or the Director's agents at the end of a period of suspension.

(f) Where a license has been revoked, the former licensee shall not be eligible to apply for reinstatement of a revoked license or for any additional license authorized in Article 14A, Article 14B and Article 25A of Chapter 113 for a period of one year, except as provided in Subparagraph (c)(4) of this Rule. For a request for reinstatement following revocation, the former licensee shall describe in the request how the licensee will conduct the operations for which the license is sought in accordance with all applicable laws and rules, shall submit the request in writing, and shall mail the request to the Fisheries Director, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. Upon the application of an eligible former licensee after revocation, the Fisheries Director may issue one license sought but not another, as necessary to prevent the hazard of recurring violations of the law.

History Note: Authority G.S. 113-134; 113-168.1; 113-171; 113-182; 143B-289.52; S.L. 2010-145, s. 1;
Eff. October 1, 2012;
Amended Eff. May 1, 2017;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

15A NCAC 03O .0209 ASSIGNMENT OF SHELLFISH LEASES AND FRANCHISES

(a) For the purpose of effecting assignments of shellfish leases or franchises in accordance with this Rule:

(1) "transfer" shall be defined as any permanent assignment of a shellfish lease or franchise, in whole or in part.

(2) "sublease" shall be defined as any temporary assignment of a shellfish lease or franchise, in whole or in part.

(b) No transfer or sublease of a shellfish lease or franchise, in whole or in part, shall be valid until notice is provided to the Division of Marine Fisheries as provided in Article 16 of Chapter 113 of the North Carolina General Statutes.

(c) Notice to transfer or sublease a shellfish lease or franchise shall include:

(1) shellfish lease or franchise number;

(2) date of transfer or sublease;

(3) name and city of shellfish lease or franchise holder;

(4) name and address of transferee or sub-lessee;

(5) waterbody and county of shellfish lease or franchise being transferred or subleased;
(6) area description and total acres of shellfish lease or franchise or portion of shellfish lease or franchise being transferred or subleased; and
(7) end date for a sublease.

The transferee or sub-lessee of a shellfish lease shall provide to the Division the required Shellfish Lease Management Plan and proof of completion of training requirements in accordance with Rule .0202 of this Section.

(d) A shellfish lease or franchise shall not be transferred or subleased to a nonresident of North Carolina in accordance with G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, and G.S. 113-206.

(e) A shellfish water column lease shall only be transferred in accordance with G.S. 113-202.1(f) and G.S. 113-202.2(f).

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 2011; March 1, 1994; September 1, 1991;
Readopted Eff. July 1, 2022.

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15A NCAC 07H .1701 PURPOSE

This permit allows work necessary to protect property or prevent further damage to property caused by a sudden or unexpected natural event or structural failure which imminently endangers life or structure. For the purposes of this general permit, major storms such as hurricanes, northeasters, or southwesters may be considered a sudden unexpected natural event although such storms may be predicted and publicized in advance.

History Note: Authority G.S. 113-229(cl); .113A-107(a),(b); 113A-113(b); 113A-118.1;
Eff. November 1, 1985;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1702 APPROVAL PROCEDURES

(a) Any person wishing to undertake development in an area of environmental concern necessary to protect life or endangered structures will notify the Division of Coastal Management or Local Permit Office (LPO) when a possible emergency situation exists.

(b) The applicant may qualify for approval of work described in this permit after an onsite inspection by the LPO or Division of Coastal Management Field Consultant and upon his or her findings that the proposed emergency work requires a CAMA or Dredge and Fill permit. The LPO shall issue the permit if the required emergency measures constitute minor development in accordance with G.S. 113A-118(2).

(c) Once the LPO or Consultant determines that the applicant's proposed project may qualify for an emergency permit, he or she shall consult with the applicant and assist him or her in preparing an application. The applicant shall include a sketch showing existing conditions and the proposed work.

(d) The applicant for an emergency permit shall take all reasonable steps to notify adjacent riparian landowners of the application, and prior to receiving a permit will certify by signing the permit the following:

(1) that a copy of the application and sketch has been served on all adjacent riparian landowners, or if service of a copy was not feasible, that the applicant has explained the project to all adjacent riparian landowners;
(2) that the applicant has explained to all adjacent riparian landowners that they have a right to oppose the issuance of a permit by filing objections with the local CAMA permit officer or with the Secretary of the Department of Environmental Quality; and
(3) that, as to adjacent riparian landowners not contacted, the applicant has made a reasonable attempt to contact them and furnish them with the required information.

(e) All work authorized by this general permit will cease after thirty days from the date of issuance.

History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1;
Eff. November 1, 1985;
Amended Eff. May 1, 1990;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1703 PERMIT FEE

The agency shall not charge a fee for permitting work necessary to respond to emergency situations except in the case when a temporary erosion control structure is used. In those cases, the applicant shall pay a permit fee of four hundred dollars ($400.00) by check or money order made payable to the Department.

History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1; 113A-119;
Eff. November 1, 1985;
Amended Eff. September 1, 2006; August 1, 2002; March 1, 1991; October 1, 1993;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1704 GENERAL CONDITIONS

(a) Work permitted by means of an emergency general permit shall be subject to the following limitations:

(1) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative so that the scope of the proposed emergency work can be delineated.
(2) No work shall be permitted other than that which is necessary to protect against or reduce the imminent danger caused by the emergency, to restore the damaged property to its condition immediately before the emergency, or to re-establish public facilities or transportation corridors.
(3) Any permitted temporary erosion control projects shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of way in the case of

roads, except as provided under 15A NCAC 07H .0308. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions, such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee.

(4) Fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source. Excavation below MHW in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.

(5) This emergency general permit allows the use of oceanfront erosion control measures for all oceanfront properties without regard to the size of the existing structure on the property or the date of construction.

(b) Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections to ensure that the activity being performed under authority of this emergency general permit is in accordance with these Rules.

(c) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.

(d) This permit shall not be applicable to proposed construction where the Department has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.

(e) This permit does not eliminate the need to obtain any other state, local, or federal authorization.

(f) Development carried out under this permit must be consistent with all local requirements, CAMA rules, and local land use plans, storm hazard mitigation, and post-disaster recovery plans current at the time of authorization.

History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118; 113A-118.1;
Eff. November 1, 1985;
Amended Eff. December 1, 1991; May 1, 1990;
RRC Objection due to ambiguity Eff. May 19, 1994;
Amended Eff. April 1, 2019; May 1, 2010; August 1, 1998; July 1, 1994;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1705 SPECIFIC CONDITIONS

(a) Temporary Erosion Control Structures in the Ocean Hazard AEC.

(1) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.

(2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph may be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when the Division determines that site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.

(3) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed under 15A NCAC 07H .0309 as an exception to the erosion setback requirement.

(4) Temporary erosion control structures may be placed waterward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.

(5) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected except to align with temporary erosion control structures on adjacent properties, where the Division has determined that gaps between adjacent erosion control structures may result in an increased risk of damage to the structure being protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet waterward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee.

(6) Temporary erosion control structures may remain in place for up to eight years for a building and its associated septic system, or a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed

above grade within 30 days of the end of the allowable time period.

(7) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or an inlet relocation or stabilization project if it:

(A) has an active CAMA permit, where necessary, approving such project;

(B) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or

(C) has received a favorable economic evaluation report on a federal project; or

(D) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project or the identification of the financial resources or funding bases necessary to fund the beach nourishment or inlet relocation or stabilization project.

If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags shall be subject to all applicable time limits set forth in Subparagraph (6) of this Paragraph.

(8) Once a temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, it shall be removed by the property owner to the maximum extent practicable within 30 days of official notification from the Division of Coastal Management, regardless of the time limit placed on the temporary erosion control structure. If the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to the completion of a storm protection project constructed by the U.S. Army Corps of Engineers, a large scale beach nourishment project, or an inlet relocation or stabilization project, any portion of the temporary erosion control structure exposed above grade shall be removed by the permittee within 30 days of official notification by the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.

(9) Removal of temporary erosion control structures is not required if they are covered by sand. Any portion of a temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

(10) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

(11) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the total height shall not exceed 6 feet, as measured from the bottom of the lowest bag.

(12) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.

(13) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.

(14) An imminently threatened structure may be protected by a temporary erosion control structure only once regardless of ownership, unless the threatened structure is located in a community that is actively pursuing a beach nourishment project, an inlet relocation or stabilization project in accordance with Subparagraph (7) of this Paragraph. Existing temporary erosion control structures may be permitted for additional eight-year periods provided that the structure being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subparagraph, and the community in which it is located is actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with Subparagraph (7) of this Paragraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Subparagraph (6) or (7) of this Paragraph shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:

(A) a building and its associated septic system shall be considered as separate structures; and

(B) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each contiguous section of sandbags shall begin at the time that section is installed in accordance with Subparagraph (6) or (7) of this Paragraph.

(15) Existing temporary erosion control structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Subparagraph (6) or (7) of this Paragraph.

(b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted by this Rule shall be subject to the following limitations:

(1) The erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee.

(2) Fill material used in conjunction with emergency work for storm or erosion control in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs shall be obtained from an upland source.

(c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors. This permit authorizes only the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery plans and policies which are part of their Land Use Plans.

(1) Work permitted by this general permit shall be subject to the following limitations:

(A) no work shall be permitted other than that which is necessary to protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

(B) the erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of-way in the case of roads. If a public facility or transportation corridor is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the facility or corridor being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee in accordance with Subparagraph (a)(1) of this Rule;

(C) any fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source except that dredging for fill material to protect public facilities or transportation corridors shall be considered in accordance with standards in 15A NCAC 07H .0208; and

(D) all fill materials or structures associated with temporary relocations which are located within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after the emergency event has ended and the area restored to pre-disturbed conditions.

History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-115.1; 113A-118.1;
Eff. November 1, 1985;
Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995;
Temporary Amendment Eff. July 3, 2000; May 22, 2000;
Amended Eff. April 1, 2019; May 1, 2013; May 1, 2010; August 1, 2002;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1901 PURPOSE

A permit under this Section shall allow for the placement of temporary structures within the estuarine and ocean systems AECs according to the provisions provided in 15A NCAC 07J .1100 and according to the rules in this Section.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; August 1, 2000;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1902 APPROVAL PROCEDURES

(a) The applicant shall contact the Division of Coastal Management at the address provided in 15A NCAC 07A .0101 and complete an application requesting approval for development. For temporary structures associated with scientific research, permit applicants shall be lead investigators on behalf of accredited educational institutions, or state or federal agencies.

(b) If a temporary structure is to be located less than 400 feet waterward of normal high water or normal water level, or within the established pier head line as determined by the Division of Coastal Management, the applicant shall provide:

(1) a written statement signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or

(2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice should instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice, and indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM determines that the project exceeds the conditions established by this General Permit, DCM shall notify the applicant that a Major Permit application shall be required.

(c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative to inspect and mark the site of construction of the proposed development. Temporary structures authorized by this General Permit may remain in place for a maximum of one year from the date of issuance. The project site shall be restored to pre-development conditions and all structures shall be removed within one year of permit issuance, or by the date specified with the General Permit.

History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; January 1, 1990;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1903 PERMIT FEE

The applicant shall pay a permit fee of two hundred dollars ($200.00) by check or money order payable to the Department.

History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;
Eff. March 1, 1989;
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1904 GENERAL CONDITIONS

(a) Temporary structures for the purpose of this general permit are those which are constructed or installed within the estuarine and ocean system AECs and because of their dimensions or functions cannot be authorized by another General Permit within this Subchapter.

(b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC except for the placement of auxiliary structures such as signs, fences, posts, or pilings.

(c) There shall be no fill or excavation activity below normal high water or normal water level.

(d) This permit shall not be applicable to proposed development where the Division of Coastal Management determines that the proposed activity would endanger adjoining properties or significantly affect historic, cultural, scenic, conservation, or recreation value, identified in G.S. 113A-102 and G.S. 113A-113(b)(4).

(e) Individuals shall allow authorized representatives of the Department of Environmental Quality to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

(f) This permit does not eliminate the need to obtain any other state, local or federal authorization, nor, to abide by rules or regulations adopted by any federal, state, or local agency.

(g) Development carried out under this permit shall be consistent with all local requirements and local land use plans current at the time of authorization.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. May 1, 1990; March 1, 1990;
RRC Objection due to ambiguity Eff. May 19, 1994;
Amended Eff. April 1, 2020; August 1, 1998; July 1, 1994;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1905 SPECIFIC CONDITIONS

Proposed temporary structures shall meet each of the following specific conditions to be eligible for authorization by the general permit:

(1) All aspects of the structure shall be removed and the site returned to pre-project conditions at the expiration of this general permit.

(2) There shall be no work within any productive shellfish beds without authorization from the Division of Marine Fisheries.

(3) The proposed structure shall not involve the disturbance of any marsh, submerged aquatic vegetation, or other wetlands including excavation or filling of these areas.

(4) The proposed activity shall not disrupt navigation and transportation channels and shall be marked to prevent being a hazard to navigation.

(5) The proposed structure shall not impede public access or other public trust uses.

(6) The proposed structure shall not be habitable.

(7) There shall be no disturbance of existing dunes.

(8) Temporary structures authorized by this permit shall not individually or cumulatively exceed 100 square meters in size.

(9) Structures shall not be constructed in a designated Primary Nursery Area without approval from the Division of Marine Fisheries or the Wildlife Resources Commission.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; May 1, 1990;
Readopted Eff. July 1, 2022.

15A NCAC 07H .2501 PURPOSE

Following damage to coastal North Carolina due to hurricanes or tropical storms, the Secretary may, based upon an examination of the extent and severity of the damage, implement any or all provisions of this Section. Factors the Secretary may consider in making this decision include, but are not limited to, severity and scale of property damage, designation of counties as disaster areas, reconnaissance of the impacted areas, or discussions with staff, state, or federal emergency response agencies. This permit shall allow for:

(1) the replacement of structures that were located within the estuarine system or public trust Areas of Environmental Concern and that were destroyed or damaged beyond 50 percent of the structures value as a result of any hurricane or tropical storm;

(2) a one time per property fee waiver for the reconstruction or repair by beach bulldozing of hurricane or tropical storm damaged frontal or primary dune systems; and

(3) a one time per property fee waiver for maintenance dredging activities within existing basins, canals, channels, and ditches. Structure replacement, dune reconstruction, and maintenance excavation activities authorized by this permit shall conform with all current use standards and regulations. The structural replacement component of this general permit shall only be applicable where the structure was in place and serving its intended function at the time of the impacting hurricane or storm, and shall not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or waters adjacent to these AECs with the exception of those portions of shoreline that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

History Note: Authority G.S. 113A-107; 113A-118.1;
Temporary Adoption Eff. October 2, 1999;
Temporary Adoption Expired on July 28, 2000;
Eff. April 1, 2001;
Readopted Eff. July 1, 2022.

15A NCAC 07H .2502 APPROVAL PROCEDURES

(a) The applicant must contact the Division of Coastal Management and request approval for structural replacement, dune reconstruction, or maintenance excavation.

(b) The applicant shall provide:

(1) the site location, dimensions of the project area including shoreline length, a description of the repair, replacement, reconstruction, or maintenance excavation needed, and his or her name and address. In the case of structural replacements, any additional documentation confirming the existence of the structure prior to the hurricane or tropical storm, such as surveys, previous permits, photographs or videos; and

(2) Description of the extent of repair, replacement, reconstruction, or maintenance excavation needed, including dimensions and shoreline length.

(c) For projects involving the excavation or filling of any area of estuarine water, the applicant must provide confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. Division staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If Division staff finds that the comments are worthy of more in-depth review, the Division shall notify the applicant that he or she shall submit an application for a major development permit.

(d) No work shall begin until a meeting is held with the applicant and a Division of Coastal Management representative to review the proposed development. A permit to proceed with the proposed development may be issued during this meeting if the Division representative finds that the application meets all the requirements of this Subchapter.

(e) Replacement, reconstruction, or maintenance excavation activities must be completed within one year of each activation by the Secretary of this general permit.

(f) Authorizations under this General Permit shall not be issued more than one year following each activation by the Secretary of this general permit.

History Note: Authority G.S. 113A-107; 113A-118.1;
Temporary Adoption Eff. October 2, 1999;
Temporary Adoption Expired on July 28, 2000;
Eff. April 1, 2001;
Readopted Eff. July 1, 2022.

15A NCAC 07H .2503 PERMIT FEE

The standard permit fee of two hundred dollars ($200.00) has been waived for this General Permit.

History Note: Authority G.S. 113A-107; 113A-118.1;
Temporary Adoption Eff. October 2, 1999;
Temporary Adoption Expired on July 28, 2000;
Eff. April 1, 2001;
Amended Eff. September 1, 2006;
Readopted Eff. July 1, 2022.

15A NCAC 07H .2504 GENERAL CONDITIONS

(a) This permit shall only become available following a written statement by the Secretary that, based upon hurricane or tropical storm related damage, implementation of the provisions of this Section are warranted.

(b) Based upon an examination of the specific circumstances following a specific hurricane or tropical storm, the Secretary may choose to activate any or all of the components of this Section. The Secretary may also limit the geographic service area of this permit.

(c) This permit authorizes only the replacement of damaged or destroyed structures, the reconstruction of frontal or primary dunes, and maintenance excavation activities conforming to the standards described in this Section.

(d) This permit does not authorize the replacement of any structure within any Ocean Hazard Area of Environmental Concern, with the exception of those portions of shoreline within the Ocean Hazard AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

(e) Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections at any time in order to be sure that the activity being performed under authority of the general permit set forth in this Section is in accordance with the terms and conditions prescribed herein.

(f) The permit set forth in this Section shall not be applicable to proposed construction where the Department determines that the proposed activity would endanger adjoining properties or significantly affect historic, cultural, scenic, conservation, or recreational values identified in G.S. 113A-102 and G.S 113A-113(b)(4).

(g) This permit does not eliminate the need to obtain any other required State, local, or federal authorization.

(h) This permit does not preclude an individual from applying for other authorizations for structure replacement that may be available under the Coastal Area Management Act and the Rules of the Coastal Resources Commission. However, application fees for any such authorization shall not be waived or deferred.

History Note: Authority G.S. 113A-107; 113A-118.1;
Temporary Adoption Eff. October 2, 1999;
Temporary Adoption Expired on July 28, 2000;
Eff. April 1, 2001;
Readopted Eff. July 1, 2022.

15A NCAC 07H .2505 SPECIFIC CONDITIONS

(a) The replacement of a damaged or destroyed structure shall take place within the footprint and dimensions that existed immediately prior to the damaging hurricane or tropical storm. No structural enlargement or additions shall be allowed.

(b) Structure replacement, dune reconstruction, and maintenance excavation authorized by this permit shall conform to the existing use standards and regulations for exemptions, minor development permits, and major development permits, including general permits. These use standards include, but are not limited to:

(1) 15A NCAC 07H .0208(b)(6) for the replacement of docks and piers;
(2) 15A NCAC 07H .0208(b)(7) for the replacement of bulkheads and shoreline stabilization measures;
(3) 15A NCAC 07H .0208(b)(9) for the replacement of wooden and riprap groins;
(4) 15A NCAC 07H .1500 for maintenance excavation activities; and
(5) 15A NCAC 07H .1800 for beach bulldozing in the Ocean Hazard AEC.

(c) The replacement of an existing dock or pier facility, including associated structures, marsh enhancement breakwaters, or groins shall be set back 15 feet from the adjoining property lines and the riparian access dividing line. The line of division of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205, illustrating the rule as applied to various shoreline configurations. Copies of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable. The setback may be waived by written agreement of the adjacent riparian owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before replacement of the structure begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any construction of the structure.

History Note: Authority G.S. 113A-107; 113A-118.1;
Temporary Adoption Eff. October 2, 1999;
Temporary Adoption Expired on July 28, 2000;
Eff. April 1, 2001;
Amended Eff. September 1, 2016;
Readopted Eff. July 1, 2022.

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15A NCAC 18A .2508 DEFINITIONS

The following definitions apply throughout this Section:

(1) "Department" means North Carolina Department of Health and Human Services.
(2) "Equipment replacement" means replacement of individual components of the hydraulic and disinfection systems such as pumps, filters, and automatic chemical feeders.
(3) "Public swimming pool" means public swimming pool as defined in G.S. 130A-280. Public swimming pools are divided into five types:
    (a) "Swimming pools" are public swimming pools used primarily for swimming.
    (b) "Spas" are public swimming pools designed for recreational and therapeutic use that are not drained,

cleaned, or refilled after each individual use. Spas may include units designed for hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or any combination thereof. Common terminology for spas includes "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," and "hot tub."

(c) "Wading pools" are public swimming pools designed for use by children, including wading pools for toddlers and children's activity pools designed for casual water play ranging from splashing activity to the use of interactive water features placed in the pool.

(d) "Water recreation attractions" are pools designed for special purposes that differentiate them from swimming pools, wading pools, and spas. They include:

(i) water slide plunge pools and run out lanes, which transfer the kinetic energy of the users' velocity through friction to the slide;

(ii) wave pools;

(iii) rapid rides;

(iv) lazy rivers;

(v) interactive play attractions that incorporate devices using sprayed, jetted, or other water sources contacting the users and that do not incorporate standing or captured water as part of the user activity area;

(vi) training pools deeper than a 24 inch deep wading pool and shallower than a 36 inch deep swimming pool; and

(vii) artificial swimming lagoons as defined in G.S. 130A-280.

(e) "Special purpose and therapy pools" are pools designed and used for therapeutic treatments or physical training and fitness outside of a licensed medical facility or practice of a licensed physical therapist. They include:

(i) float tanks used for float therapy in a salt brine solution;

(ii) swim spa training pools which use jetted water for stationary swimming against a water current;

(iii) exercise therapy and treadmill pools equipped for water resistance exercise therapy; and

(iv) scuba pools designed and used for training swimmers to use self-contained underwater breathing apparatus.

(f) "Display spa at a temporary event" or "DSTE" is a portable, above ground spa that contains water but is not used for body immersion and is displayed at a temporary event.

(4) "Registered Design Professional" means an individual who is registered or licensed to practice engineering as defined by G.S. 89C or architecture as defined by G.S. 83A.

(5) "Remodeled" means renovated in a manner requiring disruption of the majority of the pool shell or deck, changes in the pool profile, or redesign of the pool hydraulic system.

(6) "Repair" means returning existing equipment to working order, replastering or repainting of the pool interior, replacement of tiles or coping, and similar maintenance activities. This term includes replacement of pool decks where the Department has determined that no changes are needed to underlying pipes or other pool structures.

(7) "Safety vacuum release system" means a system or device capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.

(8) "Splash zone" means the area of an interactive play attraction that sheds water to a surge tank or container to be recirculated.

(9) "Temporary event" means a non-permanent fair, carnival, circus, festival, or public exhibition.

(10) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(11) "Water feature" means any component within a public swimming pool that pumps, jets, or sprays water above the waterline.

History Note: Authority G.S. 130A-280; 130A-282;
Eff. May 1, 1991;
Temporary Amendment Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. April, 1, 2013; May 1, 2010; March 1, 2004; April 1, 1999; January 1, 1996; October 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;
Temporary Amendment Eff. December 3, 2019;

Amended Eff. July 1, 2022; October 1, 2020.

15A NCAC 18A .2545 DISPLAY SPA AT A TEMPORARY EVENT

A display spa at a temporary event (DSTE) shall not be required to comply with the Rules of this Section except as specified in this Rule.

(1) A DSTE shall not operate without a permit that has been issued by the local health department that serves the county in which the temporary event is located. The duration of a permit for a DSTE shall be no more than 21 consecutive calendar days. The applicant may apply for additional permits to operate a DSTE for multiple 21-day periods at the same temporary event.

(2) One permit application shall be submitted for each DSTE. The applicant shall submit the application for a permit at least 15 calendar days before commencing operation of a DSTE. The application form shall be submitted to the local health department that serves the county in which the temporary event is located and shall include the following information:
   (a) applicant's name, address, and phone number;
   (b) name of the temporary event;
   (c) street address of the temporary event;
   (d) proposed operating dates; and
   (e) signature of the applicant.

(3) A DSTE shall meet the requirements of Rule .2535 of this Section, except as follows:
   (a) automatic chemical feeders shall not be required;
   (b) written records shall only be required to include disinfectant concentration, pH, and the type and amount of chemicals added to the DSTE;
   (c) disinfectant residual shall be measured every day before opening the DSTE to the public and every four hours thereafter until the DSTE is closed for the day;
   (d) disinfectant concentrations shall be maintained at or above 3 ppm free chlorine or 4 ppm free bromine; and
   (e) pH shall be maintained between 7.0-7.8.

(4) A sign shall be posted on each permitted DSTE that states: "DISPLAY SPA – ONLY HANDS AND FOREARMS ALLOWED IN WATER." The text on the sign shall be at least 2 inches in height.

(5) When the water in a DSTE does not meet the water quality standards set out in Item (3) of this Rule or is closed for the day, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water. The applicant shall post a sign on the DSTE that states: "SPA CLOSED." The text on the sign shall be at least 2 inches in height.

(6) The applicant shall keep water quality records required under Sub-Item (3)(b) of this Rule on site during the temporary event and for six months after the completion of the temporary event. The applicant shall provide water quality records to the local health department that issued the DSTE permit and the Department upon request.

(7) All pool chemicals stored on-site at the temporary event shall be stored in a water resistant, covered container in an area that is not used by the public.

(8) When the applicant or applicant's designee is not available to supervise a DSTE, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water.

(9) The permit for each DSTE shall be posted for the duration of the temporary event in a location that is visible to the public.

(10) The applicant or the applicant's designee shall report any death, serious injury, or complaint of illness attributed to the applicant's DSTE in accordance with Rule .2540 of this Section.

History Note: Authority G.S. 130A-280; 130A-282; Eff. July 1, 2022.

15A NCAC 18A .2901 DISBURSEMENT OF FUNDS

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

(1) "Department" means the North Carolina Department of Health and Human Services.

(2) "Disaster" means when a declaration has been made by the President of the United States under 44 C.F.R. Part 206, Subpart B, which is hereby incorporated by reference, including any subsequent editions or amendments, or by the Governor of North Carolina under G.S. 166A-19.3(3).

(3) "Emergency" means when a state of emergency declaration has been issued under G.S. 166A-19.3(19).

(4) "Event" means a National Special Security Event designated by the President of the United States under 18 U.S.C. 3056(e)(1), which is hereby incorporated by reference, including any subsequent editions or amendments.

(5) "Rate of compliance" means the number of inspections for food and lodging establishments conducted by the local health department during the previous state fiscal year divided by the number of inspections mandated to be conducted by the local health department per state fiscal year pursuant to G.S. 130A-249 and

10A NCAC 46 .0213, not to exceed a value of 1.

(b) Fees collected pursuant to G.S. 130A-248(d), minus state expenses budgeted for the collection and inventory program, shall be distributed to local health departments for the support of local public health programs and activities as follows:

(1) seven hundred and fifty dollars ($750.00) to each county; and

(2) the balance of funds that remain after the distribution described in Subparagraph (b)(1) of this Rule shall be distributed to each county in accordance with the formula provided in Subparagraph (b)(2)(A) of this Rule. After the distribution of funds pursuant to Part (b)(2)(A) of this Rule, the balance of any funds that remain shall be distributed in accordance with the formula provided in Part (b)(2)(B) of this Rule to the counties that have one hundred percent compliance with the inspection requirements for food and lodging establishments as set out in G.S. 130A-249 and 10A NCAC 46 .0213 in the immediately preceding state fiscal year:

(A) [the remaining balance of funds after distribution in Subparagraph (b)(1) of this Rule] multiplied by (the number of facilities in the county divided by the number of facilities in the state) multiplied by (the county's rate of compliance) equals the allocation to the county; and

(B) [total amount of remaining funds after distribution in Part (b)(2)(A)] multiplied by (the number of facilities in the county divided by the number of facilities in all counties with 100 percent compliance with mandatory inspection requirements for food and lodging establishments as set forth in G.S. 130A-249 and 10A NCAC 46 .0213 during the previous fiscal year) equals the additional allocation to the county.

(c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using the local health department's rate of compliance from the last state fiscal year that was completed immediately prior to a disaster, emergency, or event, when:

(1) one or more counties served by the local health department is named in a disaster or emergency declaration or in an event designation;

(2) the local health director or the local health director's designee submits a written attestation to the State Environmental Health Director that includes the following:

(A) an explanation of how disruption caused by the disaster, emergency, or event is such that inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food and lodging establishments cannot be carried out as planned because of the local health department's involvement in the response to the disaster, emergency, or event; and

(B) a statement that the loss of funds as a result of the local health department's decreased rate of compliance is expected to result in a financial hardship to the local health department's environmental health program; and

(3) the Department determines that sufficient funds are available to make a disbursement to the local health department in accordance with this Paragraph.

(d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

History Note: Authority G.S. 130A-9; 130A-248; 130A-249; Eff. May 1, 1991;
Readopted Eff. July 1, 2022.

TITLE 16 – STATE BOARD OF EDUCATION

16 NCAC 06D .0403 PROVIDE INFORMATION ON CHILD ABUSE AND NEGLECT

Each public school unit, University of North Carolina School of the Arts, and the North Carolina School of Science and Mathematics shall provide to students in grades 6 through 12 the information on child abuse and neglect, including age-appropriate information on sexual abuse, specified in G.S. 115C-12(47).

History Note: Authority G.S. 115C-12(47);
Eff. July 1, 2022.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 – BOARD OF CHIROPRACTIC EXAMINERS

21 NCAC 10 .0208 ACUPUNCTURE

(a) In order to perform acupuncture, a licentiate or applicant for licensure shall first certify to the Board that he or she has completed a minimum of 200 hours of instruction sponsored or given by a chiropractic college accredited by the Council on Chiropractic Education or a college or university accredited by an accrediting body recognized by the US Department of Education. The 200 hours of instruction must contain at least 30 percent practical, hands-on hours. Individual classes can only be taken

once for credit. To perform acupuncture, a licentiate shall also take the National Board of Chiropractic Examiners Acupuncture Examination and receive a passing score of 375 or greater.
(b) Prior to performing acupuncture, a licentiate or applicant for licensure must provide the Board with the following:
(1) An official transcript from an accredited acupuncture program demonstrating completion of the 200 hours of instruction described in this Rule; and
(2) Proof of successful completion of the acupuncture examination described in this Rule.
(c) Licentiates holding an active license as of December 31, 2022 and who have received prior approval from the Board to perform acupuncture are not required to meet the requirements of this rule. However, if a licentiate grandfathered under this rule subsequently allows his or her license to lapse or if the license is subsequently subject to active suspension or placed in a status other than active, the licentiate shall be required to comply with this Rule before being permitted to perform acupuncture.

History Note: Authority G.S. 90-142; 90-143; 90-151;
Eff. February 1, 2004;
Amended Eff. July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022.

21 NCAC 10 .0217 PROFESSIONAL ENTITIES
(a) A chiropractor who seeks to deliver chiropractic services through a professional corporation or professional limited liability company shall first obtain Board approval. Prior to approval, the entity shall submit its Articles of Incorporation/Organization to the Board for the purpose of verifying the legal name of the entity.
(b) No proper names of persons other than licensees may be included in the name and all professional entities must include the word "Chiropractor," "Chiropractic," or the name of a licensed chiropractor who is an owner of the professional entity. The name of a professional entity shall not be false or misleading. For the purposes of this rule, "misleading" is defined as possessing the capacity or tendency to create a mistaken understanding or impression including a name that implies services beyond the scope of practice set forth in Art. 8, Chapter 90 of the NC General Statutes, or a name that is identical or similar in name to an existing registered business entity.
(c) Business entities organized for the purpose of providing professional chiropractic services shall not contain the name of an individual unless:
(1) The named individual is licensed under this statute; or
(2) The named individual is either a deceased or retired owner of the business, provided that the professional entity has permission to use the name of the deceased or retired owner. Permission shall be obtained from any person or legal entity who has authority to act on behalf of the deceased or retired owner.
(d) The professional entity shall specify its business structure in all printed material and social media by use of the designation "P.C.," "P.A.," or "P.L.L.C."
(e) If a living owner of a professional entity whose surname appears in the entity name becomes a "disqualified person" as defined in G.S. 55B-2, the name of the professional entity shall be changed to comply with G.S. 55B.
(f) A professional entity shall not change its name or operate under an assumed name without first applying to the Board for a determination that the proposed name meets the requirements of this Rule. Requests for name changes and requests to operate under an assumed name shall be submitted in writing to the Board. Requests shall contain the following:
(1) Name, email address, and phone number of the requesting person;
(2) Name, email address, and phone number of the incorporating licensee;
(3) Requested name of the professional corporation; and
(4) Mailing address of the professional corporation.
Use of an assumed name that has not been registered pursuant to Art. 14A of G.S. 66 shall be prima facie evidence of using a misleading name.

History Note: Authority G.S. 90-142(2); 90-154(b)(9); 90-154.2; 90-157.3; 55B-5; 55B-12;
Eff. July 1, 2022.

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CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16C .0101 LICENSURE
(a) All dental hygienists shall be licensed by the Board before practicing dental hygiene in this State. All persons desiring to practice dental hygiene in this State shall pass Board approved written and clinical examinations, as set forth in Rule .0303 of this Subchapter, before receiving a license.
(b) The examination requirement set forth in Paragraph (a) of this Rule shall not apply to persons who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107, or licensure by military endorsement pursuant to 21 NCAC 16G .0107 or .0108.
(c) All dental hygienists shall maintain an unexpired CPR certification at all times.

History Note: Authority G.S. 90-223; 90-224;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; October 1, 2019.

21 NCAC 16F .0102 APPLICATION FOR CERTIFICATION OF LICENSURE

(a) For purposes of formation of a professional entity, an application for certification that all proposed owners of shares of stock in a professional corporation or association or all proposed managers and members of a professional limited liability company are licensed to practice dentistry in North Carolina shall be submitted on a form available on the Board's website, www.ncdentalboard.org, or by letter to the Board's office requesting such certification, and shall include:

(1) the information and materials set out in Rule .0104(a) and (b) of this Subchapter; and

(2) the names, addresses, and North Carolina dental license numbers of the proposed incorporators of a professional corporation or association or the members who executed the articles of organization of the professional limited liability company.

(b) For an existing professional entity to issue or transfer shares of stock or an ownership interest to another person, an application for certification that the person proposed to acquire shares or an ownership interest is licensed to practice dentistry in North Carolina shall be submitted on a form available on the Board's website, www.ncdentalboard.org, and shall include the name of the professional entity and the name, address, and dental license number of the person proposed to acquire the shares or ownership interest.

History Note: Authority G.S. 55B-4; 55B-6; 57D-2-01; 57D-2-02; 90-48;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 1994; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 9, 2018;
Amended Eff. July 1, 2022.

21 NCAC 16F .0104 CERTIFICATE OF REGISTRATION

(a) Each professional entity shall submit an application for a certificate of registration on the form available on the Board's website, www.ncdentalboard.org, and shall include the following information:

(1) name of the company;

(2) street address of the company;

(3) mailing address of the company, if different from the street address;

(4) email address of the company;

(5) name, address, and dental license number of each shareholder or member, and each dentist to be employed by the company once it is registered;

(6) name, address, and occupation of each corporation director and officer, or each limited liability company manager; and

(7) disclosure of any disciplinary action taken by or investigation pending before the Board with respect to any licensed dentist identified as an incorporator, officer, director, shareholder, member, manager, or employee.

(b) The application shall be:

(1) signed and notarized in accordance with Rule .0110 of this Subchapter;

(2) accompanied by a statement of the capacity in which the person signs and the person's authority to submit the application on behalf of the professional entity;

(3) submitted to the Board with all the information listed in Paragraph (a) of this Rule; and

(4) accompanied by the registration fee of fifty dollars ($50.00).

(c) In addition to the requirements set out in Paragraphs (a) and (b) of this Rule, a certificate of registration shall not be issued until the Board receives a copy of the certificate of incorporation and articles of incorporation of the professional corporation or association, or a copy of the articles of organization of the professional limited liability company, accompanied by certification of filing from the Secretary of State as set forth in G.S. 55D-17.

(d) The initial certificate of registration shall remain effective for one year from the date of issuance, unless suspended or terminated as provided in G.S. 55B-13, and each subsequent renewal of the certificate shall be effective for a period of one year from the date of issue.

History Note: Authority G.S. 55B-10; 57D-2-01; 57D-2-02; 90-48;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. August 1, 2009; April 1, 1994; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; September 1, 2020.

21 NCAC 16F .0105 APPLICATION FOR RENEWAL OR REINSTATEMENT

(a) The certificate of registration shall be renewed each year based on the anniversary of the date of issuance. Within 30 days after the anniversary date, the professional entity shall submit its application for renewal upon a form available on the Board's website, www.ncdentalboard.org, and shall include the following information:

(1) name of the company as shown on the certificate of registration;

(2) name of the company as of the date of the application for renewal, if the company name has been amended;

(3) street address of the company;

(4) mailing address of the company, if different from the street address;

(5) email address of the company;

(6) name, address, and dental license number of each shareholder or member, and each dentist practicing under the company;

(7) name, address, and occupation of each corporation director and officer, or each limited liability company manager; and

(8) disclosure of any disciplinary action taken by, or investigation pending before, the Board with respect to any licensed dentist identified as an incorporator, officer, director, shareholder, member, manager, or employee.

(b) The application shall be submitted by the president or vice president of the professional corporation or association or by a manager of the professional limited liability company to the Board with all the information listed in Paragraph (a) of this Rule, accompanied by the renewal fee of twenty-five dollars ($25.00).

(c) If the application for renewal of the certificate of registration is not submitted within 30 days after the anniversary of the date of issuance, the certificate of registration shall be suspended. The professional entity may apply for reinstatement of the certificate of registration by satisfying the requirements of Paragraphs (a) and (b) of this Rule including payment of the renewal fee, plus payment of the penalty fee of ten dollars ($10.00) as set out in G.S. 55B-11.

History Note: Authority G.S. 55B-11; 57D-2-01; 57D-2-02; 90-48;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 1994; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; September 1, 2020.

21 NCAC 16F .0107 AMENDMENTS TO ARTICLES OF INCORPORATION OR ORGANIZATION, OR ARTICLES OF DISSOLUTION

Amendments to the articles of incorporation or articles of organization, including amendments made by restated articles of organization, or articles of dissolution shall be forwarded to the Board's office within 10 days after the filing of the same in the office of the Secretary of State of North Carolina.

History Note: Authority G.S. 55B-12; 57D-2-01; 57D-2-02; 57D-2-22; 57D-2-23; 90-48;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 1994; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022.

21 NCAC 16F .0110 CORPORATE OFFICERS OR MANAGERS SHALL EXECUTE DOCUMENTS

All documents required by these Rules to be submitted to the Board by the professional entity shall be executed by the president or vice president of the corporation or by a manager of the limited liability company authorized to submit the documents on behalf of the professional entity, and notarized.

History Note: Authority G.S. 55B-12; 57D-2-01; 90-48;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 1994; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022.

21 NCAC 16G .0103 PROCEDURES PROHIBITED

Those procedures that require the professional education and skill of a dentist and shall not be delegated to a dental hygienist include:

(1) performing comprehensive examination, diagnosis, and treatment planning;
(2) performing surgical or cutting procedures on hard or soft tissues, including laser, air abrasion, or micro-abrasion procedures;
(3) placing or removing therapeutic sulcular nonresorbable agents;
(4) issuing prescription drugs, medications, or work authorizations;
(5) performing the final placement or intraoral adjustment of a fixed or removable appliance;
(6) performing intraoral occlusal adjustments that affect function, fit, or occlusion of any temporary or permanent restoration or appliance;
(7) performing direct pulp capping or pulpotomy;
(8) placing sutures;
(9) performing final placement or cementation of orthodontic bands or brackets;
(10) performing the placement or cementation of final restorations;
(11) administering any anesthetic by any route except the administration of:
  (a) topically-applied agents intended to anesthetize only cutaneous tissue; or
  (b) local anesthetics by dental hygienists certified in accordance with G.S. 90-221(a) and this Section, and administered under the direct supervision of a North Carolina licensed dentist;
(12) using a high-speed handpiece intraorally;
(13) performing cementation of endodontic posts;
(14) condensing Amalgam;
(15) using a transcutaneous electrical nerve stimulation (TENS) unit;
(16) applying formocresol;
(17) placing stainless steel crown on permanent or primary teeth;
(18) performing pulp vitality testing;
(19) performing curettage;
(20) placing periodontal or surgical dressing;
(21) performing oral brush biopsy;
(22) taking bite registration or elastometrics;
(23) placing eugenol wick in dry socket;
(24) fabricating or delivering sleep apnea appliance;
(25) removing, replacing, or torqueing either impression or prosthetic implant abutments; and

(26) administering any sedation or general anesthesia pharmacological agents, including drawing a dosage into a syringe.

History Note: Authority G.S. 90-221(a); 90-223(b);
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. August 1, 2016; August 1, 2008; August 1, 2000; May 1, 1989; March 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; September 1, 2020; April 1, 2018.

21 NCAC 16G .0109 DENTAL HYGIENIST CERTIFICATION TO ADMINISTER LOCAL ANESTHETICS

(a) To apply for certification to administer local anesthetics by block or infiltration techniques:

(1) a dental hygienist holding a valid dental hygiene license issued or renewed by the Board on or after October 1, 2021, shall submit to the Board a certificate of completion from a dental hygiene program meeting the requirements set out in G.S. 90-225.2 that was completed within five years prior to the date of the application; or

(2) a dental hygienist licensed in North Carolina or any other state or territory who has been practicing dental hygiene for the two year period set out in G.S. 90-225.3(a)(2) shall submit to the Board evidence that, within five years prior to the date of the application, the applicant completed a course or courses meeting the requirements of G.S. 90-225.3(a)(3), including a certified letter stating the applicant's completion of the required injections in a course. For purposes of this Rule, "certified" shall mean the letter bears:

(A) the notarized signature of a licensed dentist instructor who supervised the applicant's completion of the injections during the course or courses; or

(B) the official seal or stamp of the school, college, or continuing education provider through which the applicant completed the course or courses.

(b) If an applicant completed the course of study required pursuant to G.S. 90-225.2 or G.S. 90-225.3(a)(3) more than five years prior to submitting the application materials set out in Paragraph (a) of this Rule, the applicant shall retake a course or courses meeting the requirements of G.S. 90-225.3(a)(3) before the applicant may be certified to administer local anesthetics, unless the applicant submits documentation showing the applicant has been practicing dental hygiene, including the administration of local anesthetics by infiltration and block techniques, for the two year period prior to the date of the application.

(c) The requirements set out in Paragraph (a) of this Rule are in addition to any other applicable requirements set out in this Chapter for the issuance or renewal of a dental hygiene license.

(d) As a condition to renew a certificate to administer local anesthetics, each dental hygienist shall complete two clock hours of continuing education each calendar year in satisfaction of the requirements of G.S. 90-225.3(c), which may be among those chosen to satisfy the requirements set out in 21 NCAC 16I .0201(a).

(e) A dental hygienist certified in accordance with this Rule shall conduct administration of local anesthetics only under the direct supervision of a North Carolina licensed dentist.

History Note: Authority G.S. 90-221; 90-223; 90-225.2; 90-225.3;
Temporary Adoption Eff. November 1, 2021;
Eff. July 1, 2022.

21 NCAC 16I .0202 APPROVED COURSES AND SPONSORS

(a) Courses allowed to satisfy the continuing education requirement shall be related to clinical patient care. Hours spent reviewing dental or dental hygiene publications or videos shall not count toward fulfilling the continuing education requirement, with the exception of self study courses as described in Rule .0201 of this Subchapter that are offered by a Board approved continuing education sponsor.

(b) Approved continuing education course sponsors include:

(1) providers recognized by the American Dental Association's Continuing Education Recognition Program, the Academy of General Dentistry, the American Dental Hygienists' Association, or components of such organizations;

(2) North Carolina Area Health Education Centers;

(3) educational institutions with dental, dental hygiene or dental assisting schools or departments;

(4) national, state, or local societies or associations;

(5) local, state, or federal governmental entities; and

(6) Federally Qualified Health Centers.

History Note: Authority G.S. 90-225.1;
Eff. May 1, 1994;
Amended Eff. November 1, 2008; April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Recodified from 21 NCAC 16I .0103 Eff. January 1, 2020;
Amended Eff. July 1, 2022.

21 NCAC 16Q .0704 INSPECTION AUTHORIZED

Incident to the renewal of an anesthesia or sedation permit or any itinerant permit, or incident to an investigation pursuant to 21 NCAC 16U, the Board may require an on-site inspection of the dentist's facility, equipment, personnel, and procedures. The inspection shall be conducted in accordance with the rules and requirements of this Subchapter applicable to the type of permit.

History Note: Authority G.S. 90-28; 90-30.1;
Eff. February 1, 1990;
Amended Eff. January 1, 1994;

Transferred and Recodified from 16Q .0403 to 16Q .0503;
Temporary Amendment Eff. December 11, 2002;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2018;
Recodified from 21 NCAC 16Q .0503 Eff. November 9, 2020;
Amended Eff. July 1, 2022.

21 NCAC 16R .0202 APPROVED COURSES AND SPONSORS

(a) Courses allowed to satisfy the continuing education requirement shall be related to clinical patient care. Hours devoted to financial issues or practice development topics shall not be counted toward the continuing education requirement. Hours spent reviewing dental journals, publications, or videos shall not count toward fulfilling the continuing education requirement, with the exception of self-study courses as described in Rule .0201 of this Section offered by Board approved sponsors.

(b) Approved continuing education course sponsors include:

(1) those recognized by the Continuing Education Recognition Program of the American Dental Association;
(2) the Academy of General Dentistry;
(3) North Carolina Area Health Education Centers;
(4) educational institutions with dental, dental hygiene or dental assisting schools or departments;
(5) national, state, or local societies or associations;
(6) local, state, or federal governmental entities; and
(7) Federally Qualified Health Centers.

History Note: Authority G.S. 90-31.1;
Eff. July 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022.

21 NCAC 16V .0101 DEFINITION: UNPROFESSIONAL CONDUCT BY A DENTIST

Unprofessional conduct by a dentist as set out in G.S. 90-41(a)(26) shall include the following:

(1) having professional discipline imposed, including the denial of licensure, by the dental licensing authority of another state, territory, or country. For purposes of this Rule, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined;
(2) presenting false or misleading testimony, statements, omissions, or records in any communication to the Board or the Board's investigators, employees, or agents regarding any matter subject to the provisions of the Dental Practice Act or Dental Hygiene Act;
(3) being convicted of or entering a plea of guilty or nolo contendere to any charge for a crime that is violent or sexual in nature;
(4) violating any order of the Board previously entered in a disciplinary hearing, or failing to comply with a subpoena of the Board;
(5) conspiring with any person to commit an act, or committing an act that would coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any patient or other person who testifies or cooperates with the Board during any investigation under the Dental Practice or Dental Hygiene Acts;
(6) failing to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders dental treatment or services upon request;
(7) prescribing, procuring, dispensing, or administering any controlled substance for personal use, which does not include those prescribed, dispensed, or administered by a practitioner authorized to prescribe them;
(8) pre-signing blank prescription forms or using pre-printed or rubber stamped prescription forms containing the dentist's signature or the name of any controlled substance;
(9) forgiving the co-payment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected;
(10) failing to provide radiation safeguards required by the State Department of Health and Human Services, the federal Occupational and Safety Health Administration, the Food and Drug Administration, or the Environmental Protection Agency;
(11) having professional connection with or lending one's name to the unlawful practice of dentistry, including as set forth in G.S. 90-41(a)(9);
(12) using the name of any deceased or retired dentist on any office door, directory, stationery, bill heading, or any other means of communication any time after one year following the death or retirement from practice of said dentist;
(13) failing to comply with any provision of any contract or agreement with the Caring Dental Professionals Program;
(14) failing to submit a truthful response to a notice of complaint filed against the licensee with the Board, or to any related request, accompanied by a signed verification on a form provided by the Board with the notice or request, within the time allowed by the Board;

(15) failing to notify the Board of a change in current primary physical address, which shall be either a personal address or a business address at the licensee's election, within 10 business days;
(16) permitting more than two dental hygienists for each licensed dentist in the office to perform clinical hygiene tasks, as set forth in G.S. 90-233(b);
(17) failing to produce diagnostic radiographs or other treatment records on request of the Board or its investigator;
(18) soliciting employment of potential patients in person or by telephone or permitting or directing another to do so;
(19) giving or accepting anything of value in exchange for a promise to refer or referral of potential patients;
(20) failing to offer 30 days of emergency care upon dismissing a patient from a dental practice;
(21) withholding or refusing to complete a treatment procedure for an existing patient conditioned upon payment of an outstanding balance;
(22) using protected health information, as defined by 45 CFR 160.103, to solicit potential patients;
(23) making misleading or untruthful statements for the purpose of procuring potential patients, or directing or allowing an employee or agent to do so;
(24) committing any act that results in harm to a patient, employee, or independent contractor in connection with the provision of dental services and violates State or federal statutes, rules, or regulations, such as the Health Insurance Portability and Accountability Act;
(25) refusing to permit a Board agent or employee to conduct a sterilization inspection;
(26) acquiring any controlled substance from any source by fraud, deceit or misrepresentation;
(27) practicing outside the scope of dentistry, as set forth in G.S. 90-29;
(28) committing any act that violates State or federal statutes or regulations governing controlled substances; and
(29) committing any act that would constitute civil assault or civil battery in connection with the provision of dental services. The North Carolina Pattern Jury Instructions for Civil 800.50, Assault, and for Civil 800.51, Battery, are hereby incorporated by reference, including subsequent amendments and editions. These documents may be accessed at no cost at https://www.sog.unc.edu/resources/microsites/north-carolina-pattern-jury-instructions/north-carolina-pattern-jury-instructions-civil-cases.

History Note: Authority G.S. 90-22(a); 90-28; 90-29; 90-40; 90-40.1; 90-41; 90-48; 90-223(b);
Eff. August 1, 1998;
Amended Eff. August 1, 2016; July 1, 2015; October 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; November 1, 2019.

21 NCAC 16V .0102 DEFINITION: UNPROFESSIONAL CONDUCT BY A DENTAL HYGIENIST

Unprofessional conduct by a dental hygienist as set out in G.S. 90-229(a)(12) shall include the following:

(1) having professional discipline imposed, including the denial of licensure, by the dental hygiene licensing authority of another state, territory, or country. For purposes of this Rule, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined;
(2) presenting false or misleading testimony, statements, omissions, or records in any communication to the Board or the Board's investigators, employees, or agents regarding any matter subject to the provisions of the Dental Practice Act or Dental Hygiene Act;
(3) being convicted of or entering a plea of guilty or nolo contendere to any charge for a crime that is violent or sexual in nature;
(4) violating an order of the Board previously entered in a disciplinary hearing or failing to comply with a subpoena of the Board;
(5) conspiring with any person to commit an act, or committing an act that would coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any patient or other person who testifies or cooperates with the Board during any investigation under the Dental Practice or Dental Hygiene Acts;
(6) failing to identify to a patient, patient's guardian, an employer, or the Board the name of any person or agent who renders dental treatment or services upon request;
(7) procuring, dispensing, or administering any controlled substance for personal use except those prescribed, dispensed, or administered by a practitioner authorized to prescribe them;
(8) acquiring any controlled substance from any pharmacy or other source by misrepresentation, fraud or deception;
(9) having professional connection with or lending one's name to the illegal practice of dental hygiene, including as set forth in G.S. 90-229(a)(11);
(10) failing to comply with any provision of any contract or agreement with the Caring Dental Professionals Program;
(11) failing to submit a truthful response to a notice of complaint filed against the licensee with the

Board, or to any related request, accompanied by a signed verification on a form provided by the Board, within the time allowed by the Board;

(12) failing to notify the Board of a change in current primary physical address, which shall be either a personal address or a business address at the licensee's election, within 10 business days;

(13) working in a clinical hygiene position if the ratio of hygienists to licensed dentists present in the office is greater than 2:1, as set forth in G.S. 90-233(b);

(14) soliciting employment of potential patients in person or by telephone or permitting or directing another to do so;

(15) giving or accepting anything of value in exchange for a promise to refer or referral of potential patients;

(16) using protected health information, as defined by 45 CFR 160.103, to solicit potential patients;

(17) making misleading or untruthful statements for the purpose of procuring potential patients or assisting another to do so;

(18) committing any act that results in harm to a patient in connection with the provision of dental services and violates State or federal statutes, rules, or regulations, such as the Health Insurance Portability and Accountability Act;

(19) practicing outside the scope of dental hygiene, as defined in G.S. 90-221(a);

(20) committing any act that violates State or federal statutes or regulations governing controlled substances; and

(21) committing any act that would constitute civil assault or civil battery in connection with the provision of dental hygiene services. The North Carolina Pattern Jury Instructions for Civil 800.50, Assault, and for Civil 800.51, Battery, are hereby incorporated by reference, including subsequent amendments and editions. These documents may be accessed at no cost at https://www.sog.unc.edu/resources/microsites/north-carolina-pattern-jury-instructions/north-carolina-pattern-jury-instructions-civil-cases.

History Note: Authority G.S. 90-29; 90-221; 90-223; 90-229;
Eff. August 1, 1998;
Amended Eff. August 1, 2016; July 1, 2015; October 1, 2001; August 1, 2000; September 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022; November 1, 2019.

21 NCAC 16Z .0101 ELIGIBILITY TO PRACTICE HYGIENE OUTSIDE DIRECT SUPERVISION

(a) To be eligible to perform the clinical hygiene procedures set out in G.S. 90-221(a) without the direct supervision of a dentist, a dental hygienist shall:

(1) maintain an active license to practice dental hygiene in this State;

(2) have no prior disciplinary history in any state;

(3) complete at least three years of experience in clinical dental hygiene or at least 2,000 hours of performing prophylaxis or periodontal debridement under the supervision of a dentist licensed in this State within the five calendar years immediately preceding initial approval to work without direct supervision;

(4) maintain current CPR certification; and

(5) complete at least six hours of Board approved continuing education in dental office medical emergencies, in addition to the minimum hours of continuing education required for license renewal. A list of Board-approved sponsors appears in 21 NCAC 16I .0202.

(b) To retain eligibility to perform the clinical hygiene procedures set out in G.S. 90-221(a) without direct supervision of a dentist, a dental hygienist shall:

(1) complete at least six hours of Board approved continuing education in dental office medical emergencies each year, in addition to the minimum hours of continuing education required for license renewal;

(2) maintain current CPR certification;

(3) comply with all provisions of the N.C. Dental Practice Act and all rules of the Dental Board applicable to dental hygienists; and

(4) cooperate with all Board inspections of any facility at which the hygienist provides dental hygiene services without direct supervision of a dentist.

(c) Nothing in this Rule shall be construed to permit a dental hygienist to administer local anesthetics as set out in G.S. 90-221(a) without the direct supervision of a North Carolina licensed dentist.

History Note: Authority G.S. 90-221; 90-229; 90-233;
Eff. February 1, 2008;
Amended Eff. July 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. July 1, 2022.

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CHAPTER 32 - MEDICAL BOARD

21 NCAC 32A .0112 DISPOSITION OF REQUEST

(a) Upon receipt of a Request for Declaratory Ruling, the Board shall determine whether a ruling is appropriate under the facts stated.

(b) When the Board determines that the issuance of a declaratory ruling is inappropriate, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request.

(c) The Board shall decline to issue a declaratory ruling where:

(1) there has been a similar controlling factual determination made by the Board in a contested case;
(2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to adoption of the rule;
(3) the subject-matter of the request is involved in pending litigation in any state or federal court in North Carolina;
(4) the subject-matter of the request involves matters which are currently being investigated by the Board;
(5) the subject matter of the request involves matters which are currently being adjudicated in a noticed disciplinary or denial hearing heard before the Board or the Office of Administrative Hearings; or
(6) the petitioner fails to show that the circumstances are so changed since the adoption of the statute or rule that a ruling is warranted.

History Note: Authority G.S. 150B-4;
Eff. February 1, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. July 1, 2022.

21 NCAC 32U .0101 ADMINISTRATION OF VACCINES BY PHARMACISTS

Pharmacist personnel may administer vaccines in accordance with 21 NCAC 46 .2507.

History Note: Authority G.S. 90-85.3(r); 90-85.15B; S.L. 2021-110;
Emergency Adoption Eff. September 10, 2004;
Temporary Adoption Eff. December 29, 2004;
Eff. November 1, 2005;
Amended Eff. February 1, 2008;
Emergency Amendment Eff. October 9, 2009;
Temporary Amendment Eff. December 29, 2009;
Temporary Amendment Expired on October 12, 2010;
Amended Eff. September 1, 2014; March 1, 2012;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. July 1, 2022.

21 NCAC 32U .0102 ADMINISRATION OF LONG-ACTING INJECTABLES

Pharmacists may administer long-acting injectables in accordance with 21 NCAC 46 .2514.

History Note: Authority G.S. 90-85.15B; S.L. 2021-110;
Eff. July 1, 2022.

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CHAPTER 46 – BOARD OF PHARMACY

21 NCAC 46 .1820 CODE OF ETHICS

All pharmacists must comply with the American Pharmacist Association Code of Ethics, which is hereby incorporated by reference, along with all subsequent amendments or editions. A copy of the Code of Ethics is available free of charge on the Board's website at http://ncbop.org/lawandrules.htm. Any contrary conduct is unprofessional conduct under G.S. 90-85.38.

History Note: Authority G.S. 90-85.3A; 90-85.6; 90-85.15A; 90-85.15B; 90-85.22; 90-85.26; 90-85.26A; 90-85.32; 90-85.33; 90-85.34; 90-85.38; 90-85.44; S.L. 2021-110, s. 4.(a);
Eff. July 1, 2022.

21 NCAC 46 .2507 ADMINISTRATION OF VACCINES BY PHARMACISTS

(a) An Immunizing Pharmacist shall administer only those vaccines or immunizations permitted by G.S. 90-85.15B and shall do so subject to all requirements of that statute and this Rule.
(b) The following words and terms, when used in this Rule, have the following meanings:
(1) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or other means by:
(A) an Immunizing Pharmacist;
(B) a Pharmacy Intern or registered pharmacy technician who is under the supervision of an Immunizing Pharmacist; or
(C) the patient at the direction and under the direct, in-person supervision of either an Immunizing Pharmacist or a health care provider authorized by North Carolina law to prescribe the vaccine.
(2) "Immunizing Pharmacist" shall have the meaning provided in G.S. 90-85.3(i1).
(3) "Immunizing Pharmacy Personnel" means an Immunizing Pharmacist, or a Pharmacy Intern or a registered pharmacy technician who administers vaccines under the supervision of an Immunizing Pharmacist.
(4) "Pharmacy Intern" shall have the meaning provided in 21 NCAC 46 .1317(29).
(5) "Physician" means an M.D. or D.O. currently licensed with the North Carolina Medical Board who is responsible for the supervision of the Immunizing Pharmacist pursuant to the Written Protocol between the Immunizing Pharmacist and the Physician.
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(12) "Written Protocol" is a document prepared, signed, and dated by the Physician and Immunizing Pharmacist that shall contain the following:

(A) the name of the Physician responsible for authorizing the Written Protocol;
(B) the name of the Immunizing Pharmacist authorized to administer vaccines;
(C) the immunizations or vaccinations that may be administered by the Immunizing Pharmacist;
(D) the screening questionnaires and safety procedures that shall at least include the then-current minimum standard screening questionnaire and safety procedures adopted by the Medical Board, the Board of Nursing, and the Board of Pharmacy pursuant to S.L. 2013-246, s. 6, and available at the Board of Pharmacy's office and on its website (www.ncbop.org).
(E) the procedures to follow, including any drugs required by the Immunizing Pharmacist for treatment of the patient, in the event of an emergency or adverse event following vaccine administration;
(F) the reporting requirements by the Immunizing Pharmacist to the Physician, including content and time frame; and
(G) the locations at which the Immunizing Pharmacist may administer immunizations or vaccinations.

The Physician and the Immunizing Pharmacist shall review the Written Protocol at least annually and revise it if necessary.

(c) A registered pharmacy technician may administer those vaccines or immunizations permitted by G.S. 90-85.15B on behalf of an Immunizing Pharmacist, if the registered pharmacy technician does the following:

(1) Completes a practical training program that is approved by the Accreditation Council of Pharmacy Education;
(2) Holds a current basic CPR certification;
(3) Notifies the North Carolina Board of Pharmacy of immunizing pharmacy technician status;
(4) Is supervised by an Immunizing Pharmacist who is responsible for ensuring compliance with all legal requirements for vaccinations administered by a registered pharmacy technician under this Rule;
(5) Either (i) has an Immunizing Pharmacist on site and readily available to assist as needed, or (ii) has another licensed health care provider authorized to administer vaccines on site and readily available to assist as needed and has a supervising pharmacist readily available by phone or other telecommunications method for consultation as needed;
(6) Has the Immunizing Pharmacist or other health care provider who is present under Subparagraph (5) of this Paragraph review the patient's vaccine registry or other vaccination records and the screening questionnaire before the pharmacy technician administers the vaccine;
(7) Makes an offer of counseling in compliance with Rule .2504 of this Section; and
(8) Maintains documentation of three hours of immunization-related continuing education approved by the Accreditation Council for Pharmacy Education every two years.

(d) Immunizing Pharmacy Personnel who, because of physical disability, are unable to obtain a current CPR certification pursuant to G.S. 90-85.3(i1)(1), may administer vaccines in the presence of a pharmacy technician, Pharmacy Intern, or pharmacist who holds a current provider level CPR certification.

(e) With each dose of vaccine, the Immunizing Pharmacy Personnel shall give the most current vaccine information regarding the purpose, risks, benefits, and contraindications of the vaccine to the patient or legal representative. The Immunizing Pharmacy Personnel must ensure that the patient or legal representative has the opportunity to read, or to have read to him or her, the information provided and to have any questions answered prior to administration of the vaccine.

(f) In agreeing to serve as a supervising Physician, the Physician shall agree to meet the following requirements:

(1) be responsible for the formulation or approval of the Written Protocol and review the Written Protocol and the services provided to patients under the Written Protocol, as set out in Subparagraph (b)(12) of this Rule;
(2) be accessible to the Immunizing Pharmacist or be available through direct telecommunication for consultation, assistance, direction, and provide back-up coverage; and
(3) receive periodic status reports from the Immunizing Pharmacist, including any problems or complications encountered.

(g) The following requirements pertain to drugs administered by Immunizing Pharmacy Personnel:

(1) Drugs administered under the provisions of this Rule shall be in the legal possession of:
(A) a pharmacy, which shall be the pharmacy responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination; or
(B) the Physician, who shall be responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination;
(2) Drugs shall be transported and stored at the proper temperatures indicated for each drug;
(3) Immunizing Pharmacy Personnel, while engaged in the administration of vaccines under the Written Protocol, shall have in their custody and control the vaccines identified in the

Written Protocol and any other drugs listed in the Written Protocol to treat adverse events; and

(4) After administering vaccines at a location other than a pharmacy, the Immunizing Pharmacy Personnel shall return all unused prescription medications to the pharmacy or Physician responsible for the drugs.

(h) Record Keeping and Reporting.

(1) An Immunizing Pharmacist shall maintain the following information, readily retrievable, in the pharmacy records in accordance with the applicable rules and statute regarding each administration:

(A) the name, address, and date of birth of the patient;

(B) the date of the administration;

(C) the administration site of injection (e.g., right arm, left leg, right upper arm);

(D) route of administration of the vaccine;

(E) the name, manufacturer, lot number, and expiration date of the vaccine;

(F) dose administered;

(G) the name and address of the patient's primary health care provider, as identified by the patient; and

(H) the name or identifiable initials of the Immunizing Pharmacist.

(2) An Immunizing Pharmacist shall document the annual review with the Physician of the Written Protocol as required in this Rule.

(3) An Immunizing Pharmacist shall report adverse events associated with administration of a vaccine to either the prescriber, when administering a vaccine pursuant to G.S. 90-85.15B(a), or the patient's primary care provider, if the patient identifies one, when administering a vaccine pursuant to G.S. 90-85.15B(b).

(i) The Immunizing Pharmacist shall maintain written policies and procedures for handling and disposal of used or contaminated equipment and supplies.

(j) The Immunizing Pharmacist shall comply with Rule .1820 of this Chapter in the practice of pharmacy pursuant to this Rule.

History Note: Authority G.S. 90-85.3; 90-85.6; 90-85.15B; S.L. 2021-110, s. 4.(a) and (b);
Eff. April 1, 2003;
Emergency Amendment Eff. May 11, 2004;
Temporary Amendment approved by RRC October 21, 2004;
Amended Eff. February 1, 2008; November 1, 2005; November 1, 2004;
Emergency Amendment Eff. October 9, 2009;
Temporary Amendment Eff. December 29, 2009;
Amended Eff. September 1, 2014; March 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; June 1, 2020.

21 NCAC 46 .2514 ADMINISTRATION OF LONG-ACTING INJECTABLES

(a) A "long-acting injectable" is drug product formulated to produce sustained release and gradual absorption of the active pharmaceutical ingredient over an extended period of time after administration by subcutaneous or intramuscular injection.

(b) "Administer" means the direct application of a drug to the body of a patient by injection by:

(1) an Immunizing Pharmacist;

(2) a pharmacy intern who is under the direct, in-person supervision of an Immunizing Pharmacist; or

(3) the patient at the direction and under the direct, in-person supervision of either an Immunizing Pharmacist or a health care provider authorized by North Carolina law to prescribe the long-acting injectable.

(c) In order to administer long-acting injectables, an Immunizing Pharmacist must:

(1) satisfy all requirements to be an "Immunizing Pharmacist" under G.S. 90-85.3(i1);

(2) document training on administering long-acting injectables both subcutaneously and intramuscularly. This training may include a program accredited by the American Council on Pharmaceutical Education (ACPE) or the North Carolina Association of Pharmacists, curriculum based programs from an ACPE-accredited school of pharmacy, state or local health department programs, or training by a health care practitioner with experience in administering long-acting injectables;

(3) notify the Board of the status as both an Immunizing Pharmacist and a pharmacist who administers long-acting injectables; and

(4) administer long-acting injectables in accordance with G.S. 90-85.15B, as well as all other pertinent State and federal laws and regulations (including but not limited to U.S. Food and Drug Administration Risk Evaluation and Mitigation Strategies).

(d) An Immunizing Pharmacist who, because of physical disability, is unable to obtain a current provider level CPR certification pursuant to G.S. 90-85.3(i1)(1), may administer long-acting injectables in the presence of a pharmacy technician or pharmacist who holds a current provider level CPR certification.

(e) Before each administration of a long-acting injectable, the Immunizing Pharmacist must personally and affirmatively conduct patient counseling that complies with Rule .2504 of this Chapter.

(f) The following requirements pertain to long-acting injectables administered by an Immunizing Pharmacist:

(1) Drugs administered by an Immunizing Pharmacist under the provisions of this Rule shall be in the legal possession of:

(A) a pharmacy, which shall be the pharmacy responsible for drug accountability, including the

maintenance of records of administration of the long-acting injectable; or

(B) a prescriber, who shall be responsible for drug accountability, including the maintenance of records of administration of the long-acting injectable.

(2) Drugs shall be transported and stored at the proper temperatures indicated for each drug.

(3) Immunizing Pharmacists, while engaged in the administration of long-acting injectables, shall have in their custody and control drugs needed to treat adverse events.

(4) After administering long-acting injectables at a location other than a pharmacy, the Immunizing Pharmacist shall return all unused prescription medications to the pharmacy or prescriber responsible for the drugs.

(g) Record Keeping and Reporting.

(1) An Immunizing Pharmacist shall maintain the following information, readily retrievable, in the pharmacy records in accordance with the applicable rules and statute regarding each administration of a long-acting injectable:

(A) the name, address, and date of birth of the patient;

(B) the date of the administration;

(C) the administration site of injection (e.g., right arm, left leg, right upper arm);

(D) route of administration of the drug;

(E) the name, manufacturer, lot number, and expiration date of the drug;

(F) dose administered;

(G) the name and address of the prescriber; and

(H) the name or identifiable initials of the Immunizing Pharmacist.

(2) An Immunizing Pharmacist shall report to the prescriber adverse events associated with administration of a long-acting injectable.

(h) The Immunizing Pharmacist shall maintain written policies and procedures for handling and disposal of used or contaminated equipment and supplies.

History Note: Authority G.S. 90-85.3; 90-85.6; 90-85.15B; Temporary Adoption Eff. October 1, 2021; Eff. July 1, 2022.

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CHAPTER 53 – BOARD OF LICENSED CLINICAL MENTAL HEALTH COUNSELORS

21 NCAC 53 .0204 PROFESSIONAL DISCLOSURE STATEMENT REQUIREMENTS FOR LCMHCA AND LCMHC

A Professional Disclosure Statement is a printed document that includes the following information:

(1) name of licensee or applicant;

(2) the licensee's or applicant's highest relevant degree, year degree received, discipline of degree, and name of institution granting the degree;

(3) names and numbers of all relevant credentials licenses, certificates, or registrations;

(4) number of years of counseling experience;

(5) description of services offered and populations served;

(6) length of sessions, specific fee or range of fees charged per session, if no fee is charged, a statement to that effect, and methods of payments for services, including information about billing or insurance reimbursement;

(7) an explanation of confidentiality, including responsibilities and exceptions such as, child or elder abuse, court order;

(8) a statement of procedure for registering complaints, including the full name, address, and telephone number of the Board's office;

(9) signature and date spaces for both the client and licensee; and

(10) level of licensure and whether the licensee is under supervision. If under supervision, include name of supervisor.

A current copy of this statement shall be provided to each client prior to the performance of professional counseling services. An updated Professional Disclosure Statement shall be submitted at the time of renewal to the Board's office at 2-C Terrace Way, Greensboro, NC 27403 or electronically by uploading on the Board's website at https://portal.ncblcmhc.org/. The counselor shall retain a file copy of the Professional Disclosure Statement signed by each client.

History Note: Authority G.S. 90-334; 90-343; Eff. July 1, 1994; Amended Eff. July 1, 2014; January 1, 2010; July 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2022; March 1, 2022; January 1, 2020 (S.L. 2019-240), s.3.(k).

21 NCAC 53 .0205 COUNSELING EXPERIENCE AND OUT OF STATE APPLICANTS

(a) The counseling experience required by G.S. 90-336(c)(2) shall include 2000 hours of direct counseling experience. "Direct Counseling Experience" shall consist of live contact with individuals, groups, or families through counseling as defined in G.S. 90-330(a)(3)a, b, and d. Experience shall be gained at a rate of no more than 40 hours per week. At least 100 hours of clinical supervision, as defined in Rule .0210 and Rule .0211 of this Section, shall be documented during the 3000 hours of supervised clinical mental health practice as defined in Rule .0208 of this

Section. No less than three-quarters of the hours of clinical supervision shall be individual clinical supervision.
(b) Out of state applicants shall satisfy either requirements determined by the Board to be substantially similar to or exceeding those established under Chapter 90 Article 24 and these Rules, endorsements as stated in Rule .0304, or reciprocity agreements, if applicable.
(c) For purposes of this Rule, the term "reciprocity" means the ability of a mental health counselor with an active independent license that does not require supervision and is in good standing, to practice mental health counseling in another state or U.S. jurisdiction.

History Note: Authority G.S. 90-334(h),(i); 90-336(c); 90-337;
Eff. July 1, 1995;
Amended Eff. July 1, 2014; January 1, 2010; July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022.

21 NCAC 53 .0308 RECEIPT OF APPLICATION
(a) All requirements for applications shall be satisfied in accordance with Article 24 of G.S. 90 and the rules of this Chapter within two years from the date of receipt of the application or the application shall be void. Application shall be deemed to be received by the Board when the Board's office sends the confirmation of receipt, and, processes the application fee. The applicant may reapply for licensure and shall be subject to the requirements at the time of reapplication.
(b) Change of Address. The applicant shall inform the Board of any change in his or her mailing address or email address within 60 days after any change. Updated address information shall be submitted on forms available on the Board's website, www.ncblcmhc.org.
(c) Change of Name. The applicant shall inform the Board of any change in his or her name within 60 days after any change. A name change form shall be submitted on forms available on the Board's website, www.ncblcmhc.org and shall include any valid government issued form of identification, such as a social security card, driver's license, passport, divorce decree, or court order.

History Note: Authority G.S. 90-334(h); 90-336(a);
Eff. July 1, 1995;
Amended Eff. July 1, 2014; January 1, 2010; July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022; March 1, 2022.

21 NCAC 53 .0601 RENEWAL PERIOD
Newly issued licenses shall be effective upon the date of issuance by the Board and shall expire on the second June 30 thereafter. At least 45 days prior to expiration of each license, the Board shall mail by regular U.S. mail or email a notice for license renewal to the licensee for the current licensure period. The renewal period for a newly issued license may be less than two years. Following the first renewal of a newly issued license, the renewal period shall be two years and shall run from July 1 in the first year through June 30 in the second year. A licensee whose license has been suspended for failure to renew shall not practice until the license is renewed.

History Note: Authority G.S. 90-334(h); 90-339;
Eff. July 1, 1995;
Amended Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022.

21 NCAC 53 .0602 RENEWAL FOR LICENSURE FORM; ADDRESS CHANGE; NAME CHANGE
(a) License renewal information shall be on the Renewal for Licensure forms available on the Board's website www.ncblcmhc.org and submitted either electronically or mailed in paper format to the Board's office as set forth in Rule .0204 of this Chapter. The licensee shall provide general contact information, including the licensee's email address, including all professional licenses, certificates and credentials, and all continuing counselor education information for the past two years. All requested information shall be provided and the forms shall be signed and dated. Documents that shall be included with the renewal form are the following:
(1) certificate of completion of the jurisprudence examination for the level of license that is being renewed;
(2) the ethics attestation statement;
(3) an updated Professional Disclosure Statement; and
(4) payment of renewal fee.
(b) Change of Address. The licensee shall inform the Board of any change in his or her mailing address or email address within 60 days after any change. Updated address information shall be submitted on forms available on the Board's website, www.ncblcmhc.org.
(c) Change of Name. The licensee shall inform the Board of any change in his or her name within 60 days after any change. A name change form shall be submitted on forms available on the Board's website, www.ncblcmhc.org and shall include any required legal documentation, as a marriage certificate, divorce decree, or court order.

History Note: Authority G.S. 90-334(g); 90-336(a); 90-339(b);
Eff. July 1, 1995;
Amended Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022; March 1, 2022.

21 NCAC 53 .0604 FAILURE TO SECURE SUFFICIENT CONTINUING EDUCATION/RENEWAL OF LICENSE
Licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors who fail to document sufficient continuing counselor education to renew their licenses by the expiration date of June 30 shall be notified in writing by the Board of the deficiencies, that their licenses have expired, and that the

licensee shall not practice until it is renewed. Licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors who are unable to provide documentation of sufficient continuing counselor education to renew their licenses have the following options:

(1) Within one year of expiration, licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors shall complete the required hours of continuing counselor education and an additional 20 hours of continuing counselor education for the purpose of renewal of the expired license. Continuing counselor education acquired during this additional time period for the purpose of renewal of an expired license shall not applied to the next renewal period. Once these requirements have been met, the license shall be renewed.

(2) Request an extension in writing from the Board. Requests shall be received by the Board no later than May 1st of the year of expiration. An extension shall be granted for:

(a) military deployment;

(b) major illness documented by a licensed healthcare provider, of self or a member of an immediate family, such as a partner, child, parent, sibling, or dependent; or

(c) death of a member of an immediate family, such as partner, child, parent, sibling, or dependent.

Extensions shall be granted for a period of up to one year. If the extension is approved, any continuing counselor education acquired during the extension shall not be applied to the next renewal period. Once these requirements have been met, the license shall be renewed and the licensee may resume practice.

Failure to complete one of the above listed options shall mean that a license shall be reissued only upon a new application for a license, and all current licensure requirements shall apply to the new application.

History Note: Authority G.S. 90-334(g),(h); 90-339;
Eff. July 1, 1995;
Amended Eff. July 1, 2014; January 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022; January 1, 2020 (S.L. 2019-240, s. 3.(k)).

21 NCAC 53 .0902 RENEWAL OF CERTIFICATE OF REGISTRATION FOR A PROFESSIONAL ENTITY

A notification for renewal of professional corporation or professional limited liability company shall be sent by either U.S. mail or email to each registered entity a minimum of 60 days prior to the December 31 expiration date. The Board shall renew the certificate of registration upon receipt of the completed written renewal application of the holder and the renewal fee. Failure to renew by the due date shall result in notification to the Secretary of State's Office to suspend the Articles of Incorporation or Articles of Organization.

History Note: Authority G.S. 55B-11; 57D-2-01(c); 90-334(h);
Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2022.

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CHAPTER 57 - APPRAISAL BOARD

21 NCAC 57A .0201 QUALIFICATIONS FOR TRAINEE REGISTRATION AND APPRAISER LICENSURE AND CERTIFICATION

(a) Applicants for trainee registration, licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser shall satisfy the qualification requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at www.appraisalfoundation.org at no cost.

(b) Applicants for licensure or certification who are currently registered trainees shall submit a copy of their complete appraisal log in accordance with Rule .0407(d) of this Subchapter. Applicants for certification who are currently licensed or certified appraisers shall submit an appraisal log showing that they possess the amount and length of experience as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. All applicants for licensure or certification shall provide to the Board copies of appraisal reports and work files in order for an appraisal to be given experience credit.

(c) As an alternative to the requirements in Paragraph (b) of this Rule, applicants for licensure or certification shall complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and shall submit a certificate of completion.

(d) When a trainee or a licensed real estate appraiser becomes a certified real estate appraiser, his or her previous registration or licensure shall be canceled by the Board. When a certified residential real estate appraiser becomes certified as a general real estate appraiser, his or her previous certification shall be canceled by the Board.

(e) In the event that the Board requests that an applicant submit updated information or provide further information that the Board determines is necessary in order for the applicant to complete the application and the applicant fails to submit the requested information within 90 days following the Board's request, the Board will void the application. An applicant whose application has been voided shall start the licensing process over by filing a

complete application with the Board and paying all required fees, as set forth in G.S. 93E-1-6.
(f) If an applicant has an open complaint before the North Carolina Appraisal Board or an appraiser licensing board from any other state, the application shall be accepted but no further action shall be taken on the application until the complaint is resolved. If the applicant has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1.
(g) An applicant may request that his or her application be withdrawn at any time before final action is taken by the Appraisal Board on the application.

History Note: Authority G.S. 93E-1-6; 93E-1-10; 93B-8.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; March 1, 2007; April 1, 2006, July 1, 2005; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. June 1, 2020; May 1, 2020;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3).

21 NCAC 57A .0203 REGISTRATION, LICENSE, AND CERTIFICATE RENEWAL
(a) All registrations, licenses, and certificates expire on June 30 of each year unless renewed before that time.
(b) A holder of a trainee registration, an appraiser license, or certificate applying to renew such registration, license, or certificate shall apply for renewal in writing upon the form provided by the Board or log into the licensee login section on the Board's website and shall pay the renewal fee as prescribed in G.S. 93E-1-7(a). Forms are available on the Board's website at www.ncappraisalboard.org. The renewal fee is not refundable after July 1.
(c) All trainees, licensees, and certificate holders, either resident or non-resident, who are required by G.S. 93E-1-7 to complete continuing education as a condition of renewal, shall satisfy the continuing education requirements set forth in Rule .0204 of this Section.
(d) An applicant for renewal who initially qualified for licensure or certification pursuant to Rule .0211 of this Section, is not required to maintain licensure with the appraiser regulatory authority of the other state in order to renew the license in North Carolina.
(e) Any person who acts or holds himself out as a registered trainee, licensed, or certified real estate appraiser while his trainee registration, appraiser license, or certificate is expired shall be subject to disciplinary action and penalties as prescribed in G.S. 93E.

History Note Authority G.S. 93E-1-7(a),(b); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2013; January 1, 2008; March 1, 2007; March 1, 2006; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57A .0204 CONTINUING EDUCATION
(a) All registered trainees, real estate appraiser licensees, and certificate holders shall, upon the renewal of their registration, license, or certificate in every odd-numbered year, have obtained continuing education, as required by this Rule. Trainees and appraisers who initially registered with the Board after January 1 of an odd numbered year are not required to obtain continuing education for renewal of their registration in that odd numbered year.
(b) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall complete 28 hours of continuing education before June 1 of every odd numbered year. Except as provided in Paragraphs (g) and (h) of this Rule, such education shall have been obtained by taking courses approved by the Board for continuing education credit, at schools approved by the Board to offer such courses, as set forth in 21 NCAC 57B .0603. Such education shall relate to real estate appraisers maintaining and increasing their skill, knowledge, and competency in real property appraising. There is no exemption from the continuing education requirement for trainees or appraisers whose status has been upgraded to the level of licensed residential, certified residential, or certified general appraiser, since the issuance or most recent renewal of their registration, license, or certificate. Trainees, licensees, and certificate holders shall not take the same continuing education course more than once during the two-year continuing education cycle.
(c) Each appraisal continuing education course shall include a minimum of two classroom hours of instruction on real estate appraisal or related topics, as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.
(d) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall, as part of the 28 hours of continuing education required in Paragraph (b) of this Rule, complete the seven hour National USPAP update course between October 1 of an odd-numbered year and June 1 of an even numbered year, as required by the Appraiser Qualifications Board of the Appraisal Foundation. Each trainee, licensee, and certificate holder shall take the most recent USPAP update course prior to June 1 of every even numbered year.
(e) A trainee, licensee, or certificate holder who completes approved continuing education courses in excess of the requirement shall not carry over into the subsequent years any continuing education credit.
(f) Course sponsors shall provide a certificate of course completion to each trainee, licensee, and certificate holder who completes a course, as set forth in 21 NCAC 57B .0603. In addition, course sponsors shall send to the Board a roster of all who completed the course. This roster shall be sent within 15 days of completion of the course. In order to renew a registration, license, or certificate in a timely manner, the Board shall receive proof of satisfaction of the continuing education requirement prior to processing a registration, license, or certificate renewal application. Proof of satisfaction shall be made by receipt of a roster from a school or course sponsor showing the courses completed by the applicant or by submission of an original certificate of course completion. If proof of having satisfied the

continuing education requirement is not provided, the registration, license, or certificate shall expire and the trainee, licensee, or certificate holder shall be subject to the provisions of Rules .0203(e) and .0206 of this Section.

(g) A current or former trainee, licensee, or certificate holder may request that the Board grant continuing education credit for a course that has been completed but is not approved by the Board, or for appraisal education activity equivalent to a Board approved course, by making such request and submitting a non-refundable fee of fifty dollars ($50.00) as set out in G.S. 93E-1-8(d) for each course or type of appraisal education activity to be evaluated. Continuing education credit for a non-approved course shall be granted only if the trainee, licensee, or certificate holder provides proof of course completion and the Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with regard to subject matter, course length, instructor qualifications, and student attendance, as set forth in 21 NCAC 57B .0603. Appraisal education activities for which credit may be awarded include teaching appraisal courses, authorship of appraisal textbooks, and development of instructional materials on appraisal subjects. Up to 14 hours of continuing education credit may be granted in each continuing education cycle for participation in appraisal education activities. Trainees, licensed or certified appraisers who have taught an appraisal course approved by the Board for continuing education credit are deemed to have taken an equivalent course and are not subject to the fee prescribed in G.S. 93E-1-8(d), provided they submit verification of having taught the course(s). A trainee, licensee, or certificate holder who teaches a Board approved continuing education course shall not receive continuing education credit for the same course more than once every two years, regardless of how often he or she teaches the course. Requests for equivalent approval for continuing education credit shall be received before June 15 of an odd-numbered year to be credited towards the continuing education requirement for that odd-numbered year.

(h) A trainee, licensee, or certificate holder may receive continuing education credit by taking any of the Board approved precertification courses, other than Basic Appraisal Principles and Basic Appraisal Procedures, or their approved equivalents. Trainees, licensees, and certificate holders who wish to use a precertification course for continuing education credit shall comply with the provisions of 21 NCAC 57B .0604.

(i) A licensee or certificate holder who resides in another state, and is currently credentialed in another state, may satisfy the continuing education requirements by submitting an affidavit which lists the course provider, title, hours, and date of completion of all continuing education completed within the current continuing education cycle. The Board will audit no less than ten percent of licensees who renew with an affidavit. A licensee or certificate holder who became licensed in North Carolina by licensure or certification with another state and now resides in North Carolina may renew by affidavit for his or her first renewal as a resident of North Carolina only if the appraiser moved to North Carolina on or after January 1 of an odd-numbered year. If an appraiser was a resident of this state before January 1 of an odd-numbered year, the appraiser shall comply with the requirements of this section regardless of how the license or certificate was obtained.

(j) A trainee, licensee, or certificate holder who returns from active military duty on or after February 1 of an odd-numbered year may renew his or her registration, license, or certificate in that odd-numbered year even if the required continuing education is not completed before June 1 of that year. All required continuing education shall be completed within 180 days of when the trainee, licensee, or certificate holder returns from active duty. The Board may revoke the registration, license, or certificate in accordance with 93E-1-12 if the required continuing education is not completed within 180 days. This Paragraph applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

History Note: Authority G.S. 93B-15; 93E-1-7(a); 93E-1-10; Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; July 1, 2011; July 1, 2010; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B.21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; July 1, 2019; July 1, 2018.

21 NCAC 57A .0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE

(a) Expired registrations, licenses, and certificates may be reinstated within 12 months after expiration upon payment to the Board of the renewal and late filing fees as set out in G.S. 93E-1-7, and proof of having obtained the continuing education that would have been required had the registration, license, or certificate been renewed.

(b) If a registration, license, or certificate has been expired for more than 12 months, but less than five years, an applicant may apply for reinstatement. In order to be considered for reinstatement, the applicant shall pay the filing fee as set out in G.S. 93E-1-7 and include in the application proof that the applicant has obtained the continuing education that would have been required had the registration, license, or certificate been continuously renewed, which shall include the most recent edition of the seven hour National USPAP update, as required by the Appraiser Qualifications Board of the Appraisal Foundation. In addition, the Board shall consider whether the applicant for reinstatement has any prior or current disciplinary actions, and shall examine the applicant's fitness for registration, licensure, or certification before granting the request for reinstatement. A completed application for reinstatement shall be received by June 1 of the fifth year after the registration, license, or certificate expired or it shall not be accepted.

(c) An application for reinstatement shall not be granted if the registration, license, or certificate has been expired for more than five years.

(d) Reinstatement is effective on the date it is issued by the Board. It is not retroactive.

(e) A trainee or appraiser whose registration, license, or certification has expired and who is returning from active military duty may renew his or her registration, license, or certificate when the trainee or appraiser returns from active duty without payment of a late filing fee as long as the trainee or appraiser renews the registration, license, or certificate within 180 days of when the

trainee or appraiser returns from active duty. This Rule applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

History Note Authority G.S. 93E-1-6(b); 93E-1-7; 93E-1-10; Eff. July 1, 1994;
Amended Eff. September 1, 2014; July 1, 2014; July 1, 2011; September 1, 2008; March 1, 2007; July 1, 2005; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57A .0208 REPLACEMENT REGISTRATION, LICENSE AND CERTIFICATE FEES

(a) A trainee, licensee, or certificate holder may, by paying the fee prescribed in G.S. 93E-1-7(d) to the Board, obtain a duplicate trainee registration, appraiser license, or certificate to replace an original registration, license, or certificate that has been lost, damaged, or destroyed or if the name of the trainee, licensee, or certificate holder has been lawfully changed. The Request for Reissuance of Appraiser Wall Certificate is available on our website at www.ncappraisalboard.org.

(b) The form shall include the following:

(1) the appraiser's name and signature;
(2) the appraiser's license number; and
(3) the appraiser's address.

History Note: Authority G.S. 93E-1-7(d); 93E-1-10; Eff. July 1, 1994;
Amended Eff. January 1, 2008; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57A .0209 NATIONAL APPRAISER REGISTRY

Licensees and certificate holders may apply for enrollment in the national registry of licensed and certified real estate appraisers or for the renewal or reinstatement of such enrollment online through the licensee login section on the Board's website at www.ncappraisalboard.org. The enrollment shall be accompanied by the fee specified in G.S. 93E-1-11(d) plus any additional fee that may be required by the appropriate agency or instrumentality of the federal government.

History Note: Authority G.S. 93E-1-10; 93E-1-11(d); Eff. July 1, 1994;
Amended Eff. January 1, 2008; March 1, 2007; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57A .0210 TEMPORARY PRACTICE

(a) A real estate appraiser who does not reside in North Carolina and who is licensed or certified by the appraiser licensing or certifying agency in another state may apply to receive temporary appraiser licensing or certification privileges in this State by filing an application with the Board. The application is available on the Board's website at www.ncappraisalboard.org. The application shall include:

(1) the applicant's name, address, phone number, email;
(2) license or certification number currently held in another state;
(3) whether the applicant has had any disciplinary actions taken against them in connection with any appraiser, real estate, or other professional license held;
(4) whether the applicant has ever been convicted of any criminal offense or has any criminal charges pending;
(5) the projected beginning and ending date of the appraisal assignment;
(6) a legal description of the subject properties and purpose of the appraisal assignment; and
(7) the signature of the applicant.

(b) Upon filing a completed application accompanied by the fee prescribed in G.S. 93E-1-9(c), the Board shall consider whether an applicant's appraiser license or certification is or has been subject to discipline in their resident state or any other state, and shall consider all other information outlined in Rule .0202 of this Section, in determining whether to approve an application. If the application is approved, an applicant shall be granted a temporary practice permit by the Board authorizing the applicant to perform in this State the appraisal assignment described in the application, provided that the Board determines that the length of time projected by the applicant for completion of the assignment is reasonable given the scope and complexity of the assignment.

(c) Privileges granted under the provisions of this Rule shall expire upon the expiration date set forth in the temporary practice permit. If additional time is needed to complete the appraisal assignment, the permittee may request an extension of the temporary practice permit. The request shall be submitted and received by the Board prior to the expiration of the original practice permit, shall be in writing, and shall include the following:

(1) temporary practice permit number;
(2) the amount of additional time needed to complete the assignment; and
(3) the reason the extension is necessary.

Upon receipt of the request, the Board shall extend the temporary practice privileges if it determines that additional time is needed to complete the assignment.

(d) An applicant for a temporary practice permit shall not begin performing any appraisal work in this State until the temporary practice permit has been issued by the Board. The Board shall deny an applicant who begins work before the permit is issued.

(e) Persons granted temporary practice privileges under this Rule shall only advertise or otherwise hold themselves out as being a North Carolina licensed or certified appraiser for the assignment for which they received the temporary practice permit. Any appraisal report for an appraisal of property located in North Carolina shall contain a copy of the temporary practice permit number for that assignment.

(f) A trainee shall not apply for a temporary practice permit. The term "trainee" shall include apprentices and others who are

licensed and regulated by a state agency to perform real estate appraisals under the supervision of a certified appraiser. If a trainee not registered in this State inspects a property located in this State, the trainee shall be accompanied by the trainee's supervising appraiser. The trainee's supervisor shall be a North Carolina certified real estate appraiser. If not, the supervising appraiser shall be certified as a real estate appraiser in another state and shall receive a temporary practice permit for the assignment.

History Note: Authority G.S. 93E-1-9; 93E-1-10; 12 U.S.C. 3351(a);
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; March 1, 2007; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57A .0402 DISPLAY OF REGISTRATIONS, LICENSES AND CERTIFICATES

(a) The original or a copy of the registration, license, or certificate shall be displayed at each of the trainee's or appraiser's places of business.
(b) The annual registration, license, or certificate renewal issued by the Board to each trainee, licensed, or certified real estate appraiser shall be retained by the trainee, licensee, or certificate holder as evidence of registration, licensure, or certification.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. March 1, 2006; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57A .0404 CHANGE OF NAME OR ADDRESS

All trainees, licensees, and certificate holders shall notify the Board in writing of each change of business address, residence address, or name change within 10 days of the change. The trainee, licensee, or certificate holder shall submit the Request for Reissuance of Appraiser Wall Certificate Due to Name Change form. The form shall be accompanied by the fee prescribed in G.S. 93E-1-7(d). The form may be found on the Board's website at www.ncappraisalboard.org, and shall include the following information:

(1) licensee's previous name;
(2) licensee's new name;
(3) the date the name was legally changed;
(4) signature, date, and license number; and
(5) the legal documentation showing the name change.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57A .0405 APPRAISAL REPORTS

(a) Each written appraisal report prepared by or under the supervision of a licensed or certified real estate appraiser shall bear the signature of the licensed or certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the designation "licensed residential real estate appraiser," "certified residential real estate appraiser," or "certified general real estate appraiser," as applicable. Each appraisal report shall also state whether or not the licensed or certified appraiser has personally inspected the property, and shall identify in the body of the report any other person who assisted in the appraisal process other than by providing clerical assistance. Appraisers shall personally affix their signature to their appraisal reports and shall not allow any other person or entity to affix their signature. Trainees are not required to affix their signatures to appraisal reports, but if they do so, they must personally affix their signature and shall not allow any other person or entity to affix their signature. Trainees and appraisers shall sign their reports with the same name and in the same manner as it is printed on their license or certification.
(b) A licensed or certified real estate appraiser who signs an appraisal report prepared by another person, in any capacity, is responsible for the content and conclusions of the report.
(c) A written appraisal report shall be issued on all real estate appraisals performed in connection with federally related transactions.
(d) Appraisers shall keep a log of all appraisals performed. The log shall contain the appraiser's license or certificate number, the street address of the subject property, the date the report was signed, the name of anyone assisting in the preparation of the report, and the name of the client. These logs shall be updated at least every 30 days.
(e) Any appraiser who signs an appraisal report is entitled to make or retain a copy of that appraisal report, as long as the copy is made at the time the report is prepared. Any appraiser who signs an appraisal report shall be given a copy of the appraisal report and the work file upon request for purposes of: submission of the report and work file to the Appraisal Board; compliance with due process of law, such as a subpoena; submission to a peer review committee; or in accordance with retrieval arrangements made by the appraiser and the person or entity retaining the report and work file.
(f) Appraisal reports transmitted electronically to clients shall be sent in a secure format, such as Adobe PDF.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2011; July 1, 2010; September 1, 2008; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2003; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3).

21 NCAC 57A .0407 SUPERVISION OF TRAINEES

(a) A certified real estate appraiser may engage a registered trainee to assist in the performance of real estate appraisals. In the alternative, applicants for licensure or certification may complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and submit a certificate of completion.

(b) If a certified real estate appraiser engages a registered trainee to assist in the performance of real estate appraisals, the appraiser shall:

(1) have been certified for at least three years;

(2) have no more than three trainees working under his or her supervision at any one time;

(3) prior to the date any trainee begins performing appraisals under his or her supervision, the supervisor shall inform the Board of the name of the trainee by filing a Supervisor Declaration Form with the Board. The form may be found on the Board's website at www.ncappraisalboard.org. The supervisor shall also inform the Board when a trainee is no longer working under his or her supervision by submitting a new Supervisor Declaration Form. The form shall include the following information:

(A) the name and registration number of trainee;

(B) the name and certification number of supervisor;

(C) the date the trainee completed the supervisor/trainee course;

(D) the date the supervisor completed the supervisor/trainee course;

(E) whether the supervisor has had any disciplinary action within the past three years or pending complaints against his or her certification; and

(F) the signature of both the supervisor and trainee (only required for association).

(4) actively and personally supervise the trainee on all appraisal reports and appraisal related activities until the trainee is no longer under his or her supervision;

(5) review all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee is utilized, and assures that research of general and specific data has been conducted and reported, application of appraisal principles and methodologies has been applied, and that any analysis, opinions, or conclusions are developed and reported so that the appraisal report is not misleading;

(6) comply with all provisions of Rule .0405 of this Section regarding appraisal reports;

(7) review and sign the trainee's log of appraisals prepared in accordance with Paragraph (d) of this Rule. The supervisor shall make available to the trainee a copy of every appraisal report where the trainee documents appraisal experience on their experience log and the trainee's contribution is noted in the appraisal report, or the trainee signs the appraisal report; and

(8) not have received any disciplinary action against his or her appraisal certificate from the State of North Carolina or any other state within the previous three years. For the purposes of this Subparagraph, "disciplinary action" means an active suspension, a downgrade of a credential, a revocation, or any other action that restricts a supervisor's ability to engage in appraisal practice.

(c) "Active and personal supervision" includes direction, guidance, and support from the supervisor. The supervising appraiser shall have input into and knowledge of the appraisal report prior to its completion, and shall make any changes to the report before it is transmitted to the client. In addition, the supervisor shall accompany the trainee on the inspections of the subject property on the first 25 appraisal assignments or the first 750 hours of experience, whichever comes first for which the trainee either signs the appraisal report or is noted as providing significant appraisal assistance in the report, in compliance with Standard Rule 2(a) and Standard Rule 2(b) of the Uniform Standards of Professional Appraisal Practice. After that point, the trainee may perform the inspections without the presence of the supervisor provided that the supervisor is satisfied that the trainee is competent to perform those inspections.

(d) An appraisal experience log shall be maintained jointly by the supervisor and the trainee. Both the supervisor and the trainee are responsible for maintaining the experience log and ensuring that it is accurate, current, and includes the following:

(1) the applicant's name and signature;

(2) the supervisor's name and signature;

(3) the supervisor's certificate number;

(4) the date the supervisor signed the log;

(5) the subject property address;

(6) the date the appraisal report was signed;

(7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;

(8) the client's name;

(9) the applicant's file number for the appraisal assignment, if any;

(10) the number of actual work hours by the trainee applicant on the assignment;

(11) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and

(12) a description of the work performed by the applicant and his or her supervisor on each assignment.

The log shall be updated at least every 30 days. A separate log shall be maintained for each supervising appraiser. A log form is available on the Board's website at www.ncappraisalboard.org.

(e) An appraiser shall complete the supervisor course developed by the North Carolina Appraisal Board prior to supervising any

trainees. This course shall be taught only by instructors approved by the Board in accordance with 21 NCAC 57B .0614.
(f) Trainees shall ensure that the Appraisal Board has received the Supervisor Declaration Form on or before the day the trainee begins assisting the supervising appraiser by contacting the Board by telephone or email at ncab@ncab.org. The form may be found on the Board's website at www.ncappraisalboard.org. Trainees shall not receive appraisal experience credit for appraisals performed in violation of this Paragraph.
(g) Supervising appraisers shall not be employed by a trainee or by a company, firm, or partnership in which the trainee has a controlling interest.
(h) If more than one appraiser signs the report, the appraiser with the highest level of credential shall be the declared supervisor for the trainee. If all appraisers signing the report have the same level of credential, at least one of them shall be declared as the trainee's supervisor before the report is signed.
(i) Only one trainee may receive credit for providing real property appraisal assistance on an appraisal report.

History Note: Authority G.S. 93E-1-6.1; 93E-1-10; 93E-1-12; Eff. July 1, 1994;
Amended Eff. January 1, 2015; July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. May 1, 2020; July 1, 2019;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3).

21 NCAC 57A .0501 APPRAISAL STANDARDS
(a) Every registered trainee, licensed and certified real estate appraiser shall comply with the following provisions of the "Uniform Standards of Professional Appraisal Practice" (USPAP) promulgated by the Appraisal Standards Board of the Appraisal Foundation, all of which are incorporated by reference including subsequent amendments and editions:
(1) Definitions;
(2) Preamble;
(3) Ethics Rule;
(4) Record Keeping Rule;
(5) Competency Rule;
(6) Scope of Work Rule;
(7) Jurisdictional Exception Rule; and
(8) Standards Rules 1, 2, 3, and 4.
(b) A copy of USPAP may be obtained from the Appraisal Foundation at https://www.appraisalfoundation.org. The cost for a copy of USPAP is seventy-five dollars ($75.00).

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2016; January 1, 2013; January 1, 2008; July 1, 2005; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; August 1, 2018.

21 NCAC 57A .0601 EXPERIENCE CREDIT TO UPGRADE
Applicants for licensure or certification shall meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. An applicant shall obtain the required experience by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers and shall comply with the edition of the USPAP in effect at the time of the appraisal, in addition to meeting the applicable requirements set forth in this Section. In the alternative, applicants for licensure or certification may complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and submit a certificate of completion.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 2016;
Amended Eff. May 1, 2020;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3).

21 NCAC 57A .0604 TYPES OF APPRAISAL EXPERIENCE
(a) An applicant may receive experience credit for standard appraisals, review appraisals, and demonstration appraisals. In the alternative, applicants for licensure or certification may complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and submit a certificate of completion.
(b) A "standard appraisal" is the process of developing an appraisal in accordance with Standard Rule 1 of USPAP and preparing a written appraisal report or file memorandum describing the appraisal and reporting the estimate of value.
(c) A "review appraisal" is the process of reviewing an appraisal report prepared by another appraiser and preparing a separate written appraisal report or file memorandum setting forth the results of the review process.
(d) A "demonstration appraisal" is an appraisal performed without a client. If a trainee performs a demonstration appraisal, the trainee's supervisor shall sign the appraisal in order for the trainee to receive experience credit for it.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 2016;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3).

21 NCAC 57A .0605 REPORTING APPRAISAL EXPERIENCE
(a) Applicants shall use the Appraisal Board's Appraisal Experience Log to report appraisal experience, or in the alternative, applicants shall complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and shall submit a certificate of completion. The appraisal experience

log is available on the Board's website at www.ncappraisalboard.org.

(b) The Log shall contain the following:

(1) the applicant's name and signature;
(2) the supervisor's name and signature;
(3) the supervisor's certificate number;
(4) the date the supervisor signed the log;
(5) the subject property address;
(6) the date the appraisal report was signed;
(7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
(8) the client's name;
(9) the applicant's file number for the appraisal assignment, if any;
(10) the number of actual work hours by the trainee applicant on the assignment;
(11) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and
(12) a description of the work performed by the applicant and his or her supervisor on each assignment.

(c) Applicants shall retain copies of all appraisals and their associated work files in accordance with the Record Keeping Rule of USPAP to support all appraisal experience reported on the log.

History Note: Authority G.S. 93E-1-6.1; 93E-1-10;
Eff. July 1, 2016;
Amended Eff. September 1, 2019;
Amended Eff. (Pending legislative review pursuant to G.S. 150B-21.3.)

21 NCAC 57B .0101 REGISTERED TRAINEE COURSE REQUIREMENTS

(a) Each applicant for registration as a trainee shall meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.

(b) The Board shall approve all course sponsors, schools, and course content that qualify for credit. These courses shall be completed within the five-year period immediately preceding the date when application for registration is made to the Board by the applicant.

(c) Before the application may be granted by the Board, the applicant shall complete the supervisor-trainee course as set forth in 21 NCAC 57A .0407(e).

History Note: Authority G.S. 93E-1-6(a); 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2015; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; July 1, 2005; July 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57B .0210 COURSE RECORDS

Schools and course sponsors shall:

(1) retain on file for five years copies of all grade and attendance records for each approved course and shall make such records available to the Board upon request;
(2) retain on file for two years a master copy of each final course examination, which shall include the answer key, course title, course dates, and name of instructor. Examination file copies shall be made available to the Board upon request;
(3) within 15 days of course completion, submit to the Board a roster of all students who completed the course; and
(4) provide each student with contact information for the Appraisal Board so that students may contact the Board with questions or concerns regarding the course.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2013; January 1, 2008; March 1, 2007; July 1, 2005; July 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0303 COURSE COMPLETION STANDARDS

(a) Academic standards for course completion shall assure that students receiving a passing grade possess knowledge and understanding of the subject areas prescribed for the course. A student's grade shall be based on his or her performance on examinations, graded homework, and class work assignments.

(b) Course completion requirements shall include a comprehensive final examination that accounts for at least 50 percent of a student's grade for the course. Open book final examinations shall be prohibited. Schools and course sponsors may, within 90 days of the course ending date, allow a student one opportunity to make up any missed course examination or to retake any failed course examination without repeating the course; however, any make up examination shall be comparable to the initial examination with regard to the number of questions and overall difficulty, and at least 75 percent of the questions in the make up examination shall be different from those used in the initial examination.

(c) The final examination shall be proctored in person or remotely. If in person, the proctor shall:

(1) require photographic identification from the applicant, such as a driver's license or a passport;
(2) not allow a student to bring any personal items such as a backpack, purse, briefcase, or device that would enable the student to access the internet during the examination; and
(3) be the school or course sponsor director, an employee of the school or course sponsor, or the instructor for the course. If a director, employee, or instructor is not available to proctor the examination, the school or course

sponsor shall employ an official to serve as a proctor. Officials that may serve as proctors include a public librarian, notary public, attorney, police officer, or teacher. A proctor shall not be a family member or friend of a student unless that person is the director, an employee, or an instructor of the school or the course sponsor.

(d) If the final examination is proctored remotely, the proctor shall ensure that it is a closed book exam with no study materials available during the exam, through continuously observing the student remotely from a web camera or through use of software with bio-metric proctoring.

(e) The instructor may offer additional hours of instruction so that students may make up lost hours of instruction.

(f) Students who are taking a qualifying course, other than the 15 hour National USPAP course, for continuing education credit, may sit for the final course examination, but they shall not be required to pass the examination in order to receive continuing education credit. Students who take and pass the examination, and who comply with the provisions of this Rule shall be given a course completion certificate. Students who do not take and pass the examination but who otherwise comply with the provisions of this Rule shall be given a certificate of attendance. The requirements set forth in a conditional dismissal, consent order, or order of the Board after a hearing shall not be modified by the provisions of this Paragraph.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2016; July 1, 2014; July 1, 2010; September 1, 2008; July 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0304 COURSE SCHEDULING

(a) All courses shall have fixed beginning and ending dates. Late enrollment shall be permitted only if the enrolling student satisfies the attendance requirements set forth in Paragraph (e) of Rule .0303 of this Section.

(b) Courses shall be scheduled in a manner that provides for class meetings of up to eight classroom hours in any given day.

(c) A classroom hour consists of 50 minutes of classroom instruction. Classroom breaks at the rate of 10 minutes per classroom hour shall be scheduled; however, instructors shall not use accumulated, unused break time to end the class early.

(d) Instruction shall be given for the minimum hours as set forth in the Real Property Appraiser Qualifications Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.

(e) All courses, except asynchronous distance education courses, shall have a minimum of three students in attendance in order for the course to be held.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2016; July 1, 2010; January 1, 2008; July 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57B .0307 CRITERIA FOR COURSE RECOGNITION

(a) Schools and course sponsors seeking to offer appraiser qualifying courses shall make written application to the Board and pay applicable fees as required by G.S. 93E-1-8(b). The application may be accessed on the Board's website at www.ncappraisalboard.org. This application shall include:

(1) the name of school, mailing address, and phone number;
(2) the name and email address of the school owner and contact person;
(3) the name of the school's Director pursuant to Rule .0207 of this Subchapter;
(4) whether the school owner(s), Director, or any proposed instructor have had any criminal convictions or had any disciplinary action taken against a professional license;
(5) whether the classroom facilities meet the minimum requirements in Rule .0204 of this Subchapter;
(6) the courses they are seeking approval for;
(7) the proposed instructors for the courses; and
(8) the applicant's signature.

(b) Appraisal subject matter electives offered for credit pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board shall meet all other requirements of this Chapter. The content of these electives shall be related to the appraisal of real property to be approved for credit. Appraisal subject matter elective courses shall contain a minimum of 15 hours.

(c) The 15 hour USPAP course shall be as approved by the Appraiser Qualifications Board of the Appraisal Foundation.

(d) The application shall state the name of the instructor for each course. All instructors shall be approved by the Board pursuant to Rule .0306 of this Section. After the course is approved, if a school or course sponsor seeks to change instructors, the school shall notify the Board of the name of the new instructor at least seven calendar days before the proposed change would take effect. If the proposed instructor is not currently approved in accordance with Rule .0306 of this Section, the instructor shall be approved by the Board before the school or course sponsor may allow the instructor to start instructing.

(e) Course sponsors may offer all qualifying classes via distance education, as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. The Board shall be provided access to the course online and shall not be charged any fee for such access. To be approved for credit, an online qualifying education course shall meet all of the conditions imposed by the Rules in this Subchapter. A course completion certificate shall be forwarded to the student as stated in Rule .0607 of this Subchapter.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;

Eff. July 1, 1994;
Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; January 1, 2008; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57B .0402 ORIGINAL COURSE APPROVAL FEE

The original prelicensing and precertification approval fee shall be that specified in G.S. 93E-1-8(b). The fee shall be paid to the North Carolina Appraisal Board and is non-refundable. Schools and course sponsors may offer approved courses as frequently as is desired during the period for which approval is granted without paying additional course fees.

History Note: Authority G.S. 93E-1-8(b); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0602 APPLICATION AND FEE

(a) Course sponsors seeking approval of appraisal continuing education courses shall make written application to the Board. A course sponsor shall be the owner of the proprietary rights to the course for which approval is sought or shall have the permission of the course owner to seek course approval. After receipt of a completed application, the Board shall review the application pursuant to the criteria set forth in 21 NCAC 57B .0603 and shall notify the sponsor of its decision.

(b) The original application fee shall be that specified in G.S. 93E-1-8(d) for each course for which approval is sought. A fee is not required if the course sponsor is an accredited North Carolina college, university, junior college, or community or technical college, or if the course sponsor is an agency of the federal, state, or local government. A course sponsor may offer approved courses as frequently as is desired during the period for which approval is granted without paying additional fees.

(c) Each application shall be accompanied by copies of all course materials, including handbooks, slides, overheads, and other non-published materials. The application shall also include the title, author, publisher and edition for each published textbook. Each application shall also have a timed outline for the course.

(d) The application shall state the name of the instructor for the course.

History Note: Authority G.S. 93E-1-8(c),(d);
Eff. July 1, 1994;
Amended Eff. January 1, 2008; March 1, 2006; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0603 CRITERIA FOR COURSE APPROVAL

The following requirements shall be satisfied in order for course sponsors to obtain approval of a course for appraiser continuing education credit:

(1) The subject matter of the course shall comply with the requirements of Rule .0204 of Subchapter 57A and the information to be provided in the course shall be both accurate and current.

(2) The course shall involve a minimum of two hours of instruction on acceptable subject matter as outlined in 21 NCAC 57A .0204(c). A classroom hour consists of 50 minutes of classroom instruction and 10 minutes of break time. Instruction shall be given for the full number of hours for which credit is given. Instructors shall not accumulate unused break time to end the class early.

(3) The course instructor(s) shall:
- (a) possess the fitness for licensure required of applicants for trainee registration, real estate appraiser licensure, or certification; and
- (b) either:
  - (i) two years' full-time experience that is related to the subject matter to be taught;
  - (ii) a baccalaureate or higher degree in a field that is related to the subject matter to be taught;
  - (iii) two years' full-time experience teaching the subject matter to be taught; or
  - (iv) an equivalent combination of such education and experience.

(4) The course shall be one involving a qualified instructor who, except as noted in Item (5) of this Rule, shall be physically present in the classroom at all times, and shall personally provide the instruction for the course. The course instructor may utilize video instruction, or similar types of instruction by other persons to enhance or supplement his or her personal instruction; however, such other persons shall not be considered to be the course instructor and the course instructor shall be physically present when such indirect instruction by other persons is being utilized. No portion of the course shall consist of correspondence instruction. The instructor shall comply with Rule .0306(c) of this Subchapter. Instructors for the National USPAP courses shall be certified by the Appraiser Qualifications Board of the Appraisal Foundation. Current Appraisal Board

members shall not teach continuing education courses during their term of office on the Board.

(5) Course sponsors may offer all continuing education classes via distance education as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. A sponsor seeking approval of a computer-based education course shall provide the Board access to the course via the internet at a date and time satisfactory to the Board and the Board shall not be charged any fee for such access. A course completion certificate shall be forwarded to the student as stated in Rule .0607 of this Section, and a course roster shall be sent to the Appraisal Board in accordance with Rule .0608 of this Section.

(6) The course shall be an educational program intended to improve the knowledge, skill and competence of trainees, and licensed and certified real estate appraisers.

(7) The course sponsor shall certify that the course shall be conducted in accordance with the operational requirements stated in Rule .0606 of this Section and that the course sponsor will comply with all other applicable rules contained in this Section.

(8) The course title shall not include the words "Uniform Standards of Professional Appraisal Practice" or "USPAP" unless the course is either the 15 hour National USPAP course or the 7 hour National USPAP update course. If the course is the 7 hour National USPAP course, the course title shall state which edition of USPAP will be taught in that specific course.

(9) Each course shall utilize a textbook or course materials that have been approved by the Board.

(10) If the course content is related to technology, such as software, hardware, electronic devices, manuals, or databases, the course shall be developed specifically for utilization in the real estate appraisal business in order to be approved for continuing education credit. Such courses shall not require the student to purchase specific products, and the course shall not be used to sell or advertise particular products or software.

History Note: Authority G.S. 93E-1-8(c); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2015; July 1, 2010; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; September 1, 2019.

21 NCAC 57B .0605 CONTINUING EDUCATION CREDIT HOURS

The course approval issued to a course sponsor shall include the number of hours of continuing education credit that will be awarded for the course. The minimum number of continuing education credit hours awarded for a course shall be two hours, and the maximum number of continuing education credit hours awarded for a course, regardless of its length, shall be thirty hours. Continuing education credit hours shall not be carried forward into subsequent licensing periods. No continuing education credit shall be awarded for courses taken before the student was registered as a trainee or licensed or certified as an appraiser in this state or any other state.

History Note: Authority G.S. 93E-1-8(c); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0606 COURSE OPERATIONAL REQUIREMENTS

Course sponsors shall maintain compliance with Rule .0603 of this Section and shall also comply with the following requirements:

(1) Courses shall last a maximum of eight classroom hours in any day. A classroom hour shall consist of 50 minutes of classroom instruction and ten minutes of break time.

(2) Course sponsors shall not utilize advertising of any type that is false or misleading about the course content, number of hours of credit that have been awarded by the Board, or credentials of instructor. Sponsors shall specify the number of continuing education credit hours awarded by the Board for the course.

(3) Course sponsors shall, upon request, provide any prospective student a description of the course content regarding the instruction to be provided in the course.

(4) Courses conducted in a facility shall meet the following requirements:

(a) contains a student chair, desk or worktable space for each student;

(b) is free of noise or visual distractions that disrupt class sessions; and

(c) complies with all applicable local, state and federal laws and regulations regarding safety, health, and sanitation.

(d) Classes shall not be held in a personal residence

(5) Attendance shall be monitored during all class sessions to ensure compliance with the attendance requirement. Instruction shall be given for the number of hours for which credit is given. Instructors shall not accumulate unused break time to end the class early.

(6) Instructors shall require student attentiveness during class sessions. Students shall not be permitted to engage in activities that are not related to the instruction being provided.

(7) Course sponsors for which an application fee is required by Rules .0602(b) and .0611(b) of this Section shall have course cancellation and fee refund policies. In the event a scheduled course is canceled, efforts shall be made to notify preregistered students of the cancellation and all prepaid fees received from such preregistered students shall be refunded within 30 days of the date of cancellation or, with the student's permission, applied toward the fees for another course.

(8) Upon request of the Board, in order to ensure compliance with the requirements of this Rule, the course sponsor shall submit to the Board a recording that depicts the instructor teaching portions of any continuing education course.

(9) Course sponsors shall provide the Board in writing or via an electronic link to the sponsors' website with the dates and locations of all classes the sponsor is offering in North Carolina at least 10 calendar days before the class is offered, unless circumstances beyond the control of the course sponsor require that the course be rescheduled, such as a weather emergency. If the dates or location of the classes change after such information is provided to the Board, the course sponsor shall notify the Board of such changes within five days of the rescheduled date in writing or via an electronic link.

(10) Course sponsors shall provide each student with contact information for the Appraisal Board.

(11) If an instructor has any disciplinary action taken against his or her appraisal license or any other professional license in North Carolina or any other state, or if the instructor has been convicted of or pled guilty to any misdemeanor or felony, the school or course sponsor shall report that fact to the Board within 15 business days.

(12) All courses, except asynchronous distance education courses, shall have a minimum number of three students enrolled in the course in order for the course to take place.

History Note: Authority G.S. 93E-1-8(c); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2013; July 1, 2010; January 1, 2008; March 1, 2007; July 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020; July 1, 2019.

21 NCAC 57B .0608 SPONSOR REPORTING OF CONTINUING EDUCATION CREDIT

Course sponsors shall, within 15 days of course completion, submit to the Board a roster of all North Carolina registered trainees, licensed and certified appraisers, who completed the course.

History Note: Authority G.S. 93E-1-8(c); 93E-1-1;
Eff. July 1, 1994;
Amended Eff. July 1, 2010; January 1, 2008; July 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0609 CHANGES DURING THE APPROVAL PERIOD

(a) Course sponsors shall obtain advance approval from the Board for any changes to be made in approved courses with regard to the number of hours, course content, or instructors. Requests for approval of such changes shall be in writing, and shall be sent to the Board at least 15 calendar days before the proposed change would take effect.

(b) In the event of an emergency, such as the disability, death, or unforeseen departure of the instructor or school director, where it is not possible to request approval of a change at least 15 days in advance, the school shall request such change immediately but no later than the end of the next business day to the Board office via email to: ncab@ncab.org.

History Note: Authority G.S. 93E-1-8(c); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. March 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022.

21 NCAC 57B .0614 INSTRUCTORS FOR THE TRAINEE/SUPERVISOR COURSE REQUIRED BY G.S. 93E-1-6.1

(a) Instructors for the trainee supervision course set forth in G.S. 93E-1-6.1 shall be real estate appraisers who have been certified residential or certified general appraisers for at least three years.

(b) Instructors shall not have received any disciplinary action regarding their appraisal certificate from the State of North Carolina or any other state within the previous three years.

(c) Persons who wish to teach the trainee supervision course shall be approved by the Board before they may teach this course. Approval of a trainee supervision course instructor authorizes the instructor to teach the course for any approved course sponsor.

(d) Applicants who wish to become instructors for the trainee supervision course shall attend an educational workshop sponsored by the Board or complete the trainee supervision course with another approved sponsor, before they may be approved. Applicants may check the Board's website for information regarding the date and location of the workshop. The website may be accessed at www.ncappraisalboard.org.

(e) Approval of trainee supervision course instructors expires on the next December 31 following the date of approval.

Applications for renewal of Board approval, shall be filed with the Board annually on or before December 1.

History Note: Authority G.S. 93E-1-6.1; 93E-1-8(c); 93E-1-10;
Eff. July 1, 2014;
Amended Eff. July 1, 2016;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; May 1, 2020.

21 NCAC 57D .0202 REGISTRATION RENEWAL

(a) All registrations shall expire on June 30 of each year, unless renewed during the renewal period. The renewal period shall be from May 1 through June 30 of each year.

(b) A holder of an appraisal management company registration applying for renewal of registration shall apply in writing upon the form provided by the Board or log into the licensee login section on the Board's website and shall pay the renewal fee. The renewal fee shall be two thousand dollars ($2000). The renewal fee is not refundable after July 1.

(c) The renewal form shall include the following:

(1) The appraisal management company's name and registration number;
(2) the contact person for renewal;
(3) the updated address for the company, service of process agent, and compliance manager, if applicable;
(4) whether the company owner(s) have had an appraiser credential refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state;
(5) a copy of the surety bond that expires no sooner than June 30th of the year following renewal;
(6) the signature of the applicant; and
(7) the operation type, total number of appraisers on the panel in North Carolina for the previous year, the total number of appraisers on the panel nationwide for the previous year, and the number of appraisers on the panel who performed one or more appraisals in connection with a covered transaction in North Carolina for the previous year.

(d) In addition to the renewal fee, an appraisal management company shall submit with its renewal the annual appraisal management company fee required by the Appraisal Subcommittee pursuant to 12 C.F.R. 1102.402. The fee shall then be transmitted by the Board to the Appraisal Subcommittee.

(e) Any company who acts or holds itself out as a registered appraisal management company while its appraisal management company registration is expired shall be subject to disciplinary action and penalties in G.S. 93E-2-8 and G.S. 93E-2-10.

History Note: Authority G.S. 93E-2-3; 93E-2-4; 93E-2-6; 93E-2-8; 93E-2-10;
Eff. January 1, 2011;
Amended Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2022; July 1, 2018.

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CHAPTER 68 - ADDICTIONS SPECIALIST PROFESSIONAL PRACTICE BOARD

21 NCAC 68 .0101 DEFINITIONS

As used in this Chapter, the following terms are defined as:

(1) "Applicant" means a person who submits documentation seeking Board status for registration, certification, or licensure.
(2) "Approved supervisor" means a person who monitors and directs the activities of a substance use disorder professional in the role of a supervisor or a practice supervisor as set out in G.S. 90-113.31A. This is a person who fulfills or is in the process of fulfilling the requirements for this Board designation of approved supervisor pursuant to Rule .0211 of this Chapter by completing its academic, didactic, and experiential requirements.
(3) "Assessment" means identifying and evaluating an individual's strengths, weaknesses, problems, and needs for the development of a treatment or service plan for a substance use disorder.
(4) "Clinical application" means the assumption of professional and ethical responsibilities in the form of clinical supervision in a clinical setting for 300 hours, as well as the utilization of practice dimensions that include:
    (a) clinical evaluation;
    (b) treatment planning;
    (c) referral;
    (d) service coordination;
    (e) counseling;
    (f) education for the individual client, family, or community; and
    (g) documentation.
(5) "Clinical setting" means a location where the primary purpose is the delivery of behavioral health care to clients, patients, and consumers.
(6) "Clinical supervision" means clinical oversight required for a substance use disorder or addictions specialist professional that is held at scheduled times or at regular intervals where the practice supervisor or supervisor of record reviews the clinical work of a professional for the purpose of feedback and instruction. This may be conducted electronically via live face-to-face video conducted in real time.
(7) "Clinical supervision specific education" means training that covers the aspects of clinical supervision of a substance use disorder professional or any of the core functions of addictions counseling in their clinical application.

(8) "Client" means an individual who is in receipt of substance use disorder counseling.

(9) "Complainant" means a person who has filed an ethical complaint pursuant to the rules of this Section.

(10) "Consultation" means a meeting for discussion, decision-making, and planning with other service providers for the purpose of providing substance use disorder counseling services.

(11) "Crisis" means a radical change of status event in the course of treatment related to alcohol or drug use that threatens to compromise or destroy the rehabilitation effort.

(12) "Deemed status group" means those persons who are credentialed as clinical addictions specialists because of their membership in a deemed status as defined in G.S. 90-113.31A(15).

(13) "Education" means a service that is designed to inform and teach various groups including clients, families, schools, businesses, churches, industries, civic, and other community groups about the nature of substance use disorders and about available community resources. It also serves to improve the social functioning of recipients by increasing awareness of human behavior and providing alternative cognitive or behavioral responses to life's problems.

(14) "Full-time" means 2,000 hours of substance use disorder professional experience per year.

(15) "General professional skill building" means education provided to enhance the general skills of a substance use disorder professional.

(16) "Hearing panel" means members of a committee designated by the chairperson of the committee to conduct an informal hearing to determine whether the applicant meets the standards required to be maintained for or awarded a credential.

(17) "Impairment" means a mental illness, substance use disorder, chemical dependency, or physical illness that inhibits the ability of the professional to meet the treatment needs of the client and his or her family.

(18) "Letter of reference" means a letter that recommends a person for credentialing.

(19) "Membership in good standing" means a member's credential is not in a state of revocation, lapse, or suspension. However, an individual whose credential is suspended and the suspension is stayed is a member in good standing during the period of the stay.

(20) "Passing score" means the score set and provided by the entity administering the exam indicating successful and satisfactory completion.

(21) "Person served" means an individual who is not a client but is in receipt of substance use disorder prevention counseling.

(22) "Personal service" means the delivery of a document into the hands of the person to whom it is addressed.

(23) "Prevention consultation" means a service provided to other mental health, human service, community planning, development organization, or to individual practitioners in other organizations to assist in the development of insights and skills of the practitioner necessary for prevention of alcohol and drug misuse.

(24) "Prevention performance domains" means areas of professional activities to include:

(a) planning and evaluations;

(b) education and skill development;

(c) community organization;

(d) public and organizational policy; and

(e) professional growth and responsibility.

(25) "Referral" means identifying the needs of an individual that cannot be met by the counselor or agency and assisting the individual in utilizing the support systems and community resources available to transfer services.

(26) "Rehabilitation" means re-establishing the functioning needed for professional competency.

(27) "Reinstatement" means an action where the Board restores registration, certification, or licensure to an applicant after the applicant completes the requirements imposed by the Board.

(28) "Relapse" means a return to the pattern of substance misuse as well as the process during which indicators appear prior to the person's return to the pattern of substance misuse or a re-appearance or exacerbation of physical, psychological, or emotional symptoms of impairment.

(29) "Renewal" means an action by the Board granting a substance use disorder professional a consecutive registration, certification, or licensure based upon the completion of requirements for renewal as prescribed by statute and the rules of the Board.

(30) "Revival" means an action by the Board granting a substance use disorder professional a registration, certification, or licensure following a lapse of registration, certification, or licensure wherein the professional must also meet the requirements for renewal.

(31) "Respondent" means a person who is making application for registration, certification, or licensure by the Board or is registered, certified, or licensed by the Board against whom a complaint has been filed.

(32) "Sexual activity" or "sexual contact" means soliciting or engaging in any activities of a sexual nature, including kissing, fondling, or

touching of the body, specifically to the genitals but may include other parts of the body meant to cause sexual arousal.

(33) "Substance use disorder counseling experience " means approved supervised experience that may be full-time, part-time, paid or voluntary, and shall include all of the core functions of addiction counseling as set forth in Rule .0204 of this Chapter as documented by a job description and a supervisor's evaluation.

(34) "Substance use disorder prevention specialist experience" means approved supervised experience that may be full-time, part-time, paid, or voluntary, and shall include the prevention domains referenced by Rule .0206 of this Chapter and as documented by a job description and supervisor's evaluation.

(35) "Substance use disorder specific" means education focused upon alcohol and other drugs and the substance-using population and is provided for a substance use disorder professional by an individual whose education and experience is in the field of alcohol and other drugs.

(36) "Supervised practice" means supervision of the applicant in the knowledge and skills related to substance use disorder professionals.

(37) "Supervisor of record" means the supervisor who is a substance use disorder professional and is primarily responsible for providing applicant or practice supervision to a supervisee, as well as reporting that supervised work experience to the Board.

(38) "Suspension" means a loss of registration, certification, or licensure by a substance use disorder professional or the privilege of making application for registration, certification, or licensure by an applicant for one of these credentials.

History Note: Authority G.S. 90-113.30; 90-113.31A; 90-113.31B; 90-113.33; 90-113.40; 90-113.41; 90-113.41A;
Eff. August 1, 1996;
Temporary Amendment Eff. November 15, 1997;
Amended Eff. August 1, 2015; January 1, 2014; June 1, 2011; April 1, 2011; April 1, 2003; August 1, 2002; April 1, 2001; August 1, 2000; August 1, 1998;
Readopted Eff. October 1, 2020;
Amended Eff. July 1, 2022.

21 NCAC 68 .0203 DESIGNATION AS ALCOHOL AND DRUG COUNSELOR INTERN

(a) To be designated as an Alcohol and Drug Counselor Intern, a counselor shall:

(1) Submit the requirements for Registration status as described in Rule .0202 of this Chapter, if not submitted previously;

(2) Provide documentation to the Board verifying the completion of 300 hours of supervised practice by a Certified Clinical Supervisor or Clinical Supervisor Intern; and

(3) Achieve a passing score on the Alcohol and Drug Counselor examination developed by the International Certification & Reciprocity Consortium (IC&RC) or its successor organization.

(b) Upon the failure of an applicant to achieve a passing score, the applicant may request a reexamination and pay a non-refundable reexamination fee of one hundred fifty dollars ($150.00) after a period of three months from the date of the failed test.

(c) Once an individual has been designated as an Alcohol and Drug Counselor Intern, they may function as a counselor intern under an approved supervisor at a ratio of one hour of supervision for every 40 hours of practice.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.39; 90-113.40; 90-113.41;
Eff. August 1, 1996;
Amended Eff. August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0204 SUPERVISED PRACTICUM FOR CERTIFIED ALCOHOL AND DRUG COUNSELOR AND LICENSED CLINICAL ADDICTIONS SPECIALIST

(a) All applicants for the certified alcohol and drug counselor or the clinical addictions specialist credential shall complete a 300 hour practicum supervised by an applicant supervisor and the practicum shall cover all core functions of addictions counseling as set forth by the International Certification and Reciprocity Consortium which is hereby incorporated by reference and available in the Candidate Guides including subsequent amendments or editions at internationalcredentialing.org. The practicum shall be supervised at a ratio of one hour of supervision for every 10 hours of practice.

(b) Upon completion of the 300 hours of practice, the supervisor shall complete an evaluation reviewing the applicant's development and provide it to the Board, documenting the 300 hours of practice.

(c) The 300 hour practicum of the Certified Alcohol and Drug Counselor and the Certified Prevention Specialist may be completed as part of an academic course of study in a regionally accredited college or university or may be developed in a work setting when supervised by an applicant supervisor. The 300 hour practicum may be completed as part of the three years (or 6,000 hours) of alcohol and drug counseling experience required for certification.

(d) The 300 hour practicum of the Licensed Clinical Addictions Specialist Criteria A applicant shall be completed as part of the required two years postgraduate supervised clinical addictions counseling and does not include the clinical application or practical training completed as a part of the master's degree used to apply for the Licensed Clinical Addictions Specialist.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.39; 90-113.40;
Eff. August 1, 1996;

Amended Eff. June 1, 2011; April 1, 2011; January 1, 2010; August 1, 2002;
Readopted Eff. October 1, 2020;
Amended Eff. July 1, 2022.

21 NCAC 68 .0205 CERTIFIED ALCOHOL AND DRUG COUNSELOR CERTIFICATION

Requirements for certification as a Certified Alcohol and Drug Counselor shall be as follows:

(1) Completion of 6,000 hours of paid or volunteer supervised experience as set out in G.S. 90-113.40(a). If the work setting is not exclusively substance use disorder focused, the applicant may accumulate experience proportional to the substance use disorder services performed or as determined and verified by the applicant supervisor;

(2) Board approved education and training of at least 270 clock hours, consisting of:

(a) Substance Use Disorder Specific education and training in the amount of at least 190 hours of substance use disorder specific core competencies, to include the following:

(i) basic alcoholism and drug addiction knowledge;

(ii) screening, intake, orientation, and assessment;

(iii) individual, group, and family counseling and intervention techniques;

(iv) case management, treatment planning, reporting, and record keeping;

(v) crisis intervention skills:

(vi) prevention and client education;

(vii) consultation, referral, and networking that utilizes community resources;

(viii) ethics, legal issues, and confidentiality;

(ix) special populations that include individuals or groups with ethnic, cultural, sexual orientation, and gender characteristics as well as persons dealing with HIV, co-occurring disabilities, persons with criminal justice related issues, and perinatal issues:

(x) physiology and pharmacology of alcohol and other drugs that include the licit and illicit drugs, inhalants, and nicotine;

(xi) psychological, emotional, personality, and developmental issues; and

(xii) traditions and philosophies of 12-step and other recovery support groups;

(b) Up to 80 hours may be directed toward general professional skill building to enhance counselor development;

(c) No more than 67.5 hours may be in-service education received within the applicant's organization by staff of the same organization; and

(d) Of the 270 clock hours, applicants for certification must document six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, six hours clinical ethics education, and six hours of education to be selected from the following:

(i) nicotine use disorder;

(ii) psychopathology;

(iii) evidence-based treatment;

(iv) substance use disorder issues and older adults;

(v) substance use disorder issues affecting veterans; and

(vi) substance use disorder and domestic violence;

(3) A one hundred fifty dollar ($150.00) exam fee and a two hundred dollar ($200.00) non-refundable certification fee, unless previously paid;

(4) Achieving a passing score on the IC&RC or its successor organization Alcohol and Drug Counselor exam;

(5) Completed evaluation by the applicant's supervisor documenting 6,000 hours of clinical substance use disorder counseling experience and two references from other substance use disorder professionals;

(6) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter;

(7) Documentation of highest level education achieved. Verification of high school graduation or completion of GED may be evidenced by diploma. Applicants presenting baccalaureate or advanced degrees must submit a completed transcript;

(8) Completed registration application found on the Board's website; and

(9) Resume.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;

Amended Eff. July 1, 2022.

21 NCAC 68 .0206 PROCESS FOR PREVENTION SPECIALIST CERTIFICATION

(a) The Board shall certify an applicant as a certified prevention specialist as set out in Article 5C of Chapter 90 of the North Carolina General Statutes. A certified prevention specialist's primary responsibilities are to provide substance use disorder information and education, environmental approaches, alternative activities, community organization, networking, and referral to promote personal health and well-being to individuals, families, and communities who may not otherwise be clients receiving substance use disorder treatment.

(b) The requirements for certification are:

(1) Supervised field experience as set out in G.S. 90-113.40(a)(8) in prevention consultation;

(2) 270 hours of academic and didactic training, divided as follows:

(A) 170 hours primary and secondary prevention and in the prevention performance domains; and

(B) 100 hours in substance use disorder specific studies, which includes six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, six hours professional ethics education, and six hours of education to be selected from the following:

(i) nicotine use disorder;

(ii) psychopathology;

(iii) evidence-based treatment;

(iv) substance use disorder issues and older adults;

(v) substance use disorder issues affecting veterans; and

(vi) substance use disorder and domestic violence;

(3) A minimum of 300 hours of supervised practical training practice hours documented by a certified clinical supervisor, clinical supervisor intern, or certified prevention specialist who has been certified more than three years;

(4) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter; and

(5) An application fee of twenty-five dollars ($25.00), a certification fee of two hundred dollars ($200.00) and an examination fee of one hundred fifty dollars ($150.00).

History Note: Authority G.S. 90-113.30; 90-113.31B; 90-113.33; 90-113.38; 90-113.39; 90-113.40; 90-113.41;
Eff. August 1, 1996;
Amended Eff. January 1, 2014; August 1, 2002; April 1, 2001; August 1, 2000;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0208 RENEWAL REQUIREMENTS FOR COUNSELOR, CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL AND PREVENTION SPECIALIST

(a) In order to renew a certification, a certified alcohol and drug counselor and certified prevention specialist shall:

(1) Complete 60 hours of training recognized by the Board as follows:

(A) A minimum of 50 percent (30 hours) shall be substance use disorder specific.

(B) No more than 25 percent may be in-service education, received within the professional's place of employment by staff of the same employment;

(C) No more than 25 percent may be educational training presented by the renewing professional. A presentation shall be a part of an event recognized by the Board as set out in the rules of this Chapter;

(D) An applicant shall include documentation of each event submitted; and

(E) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical ethics training and education, and three hours of education to be selected from the list appearing in Rule 21 NCAC 68 .0205(e).

(2) Submit the following:

(A) A completed renewal found on the Board website;

(B) A non-refundable one hundred fifty dollar ($150.00) recertification fee; and

(C) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter.

(b) In order to renew a certification, a certified criminal justice addictions professional shall:

(1) Complete 40 hours of training recognized by the Board as follows:

(A) A minimum of 50 percent (20 hours) shall be substance use disorder specific.

(B) No more than 25 percent may be in-service education, received within the professional's place of employment by staff of the same employment;

(C) No more than 25 percent may be educational training presented by the renewing professional. A presentation shall be a part of an event recognized

by the Board as set out in the rules of this Chapter;

(D) An applicant shall include documentation of each event submitted; and

(E) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical ethics training and education, and three hours of education to be selected from the list appearing in Rule 21 NCAC 68 .0205(e).

(2) Submit the following:

(A) A completed renewal found on the Board website;

(B) A non-refundable one hundred fifty dollar ($150.00) recertification fee; and

(C) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter.

(c) The renewal of a certified criminal justice addictions professional and a certified alcohol and drug counselor shall include a post-certification supervision agreement between a practice supervisor and supervisee. The supervision required by this Rule shall be provided according to G.S. 90-113.37A(b).

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 90-113.38; 90-113.39;
Eff. August 1, 1996;
Amended Eff. June 1, 2011; April 1, 2011; January 1, 2010; April 1, 2003; August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0212 PROCESS FOR RESIDENTIAL FACILITY DIRECTOR CERTIFICATION

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 90-113.38; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;
Repealed Eff. July 1, 2022.

21 NCAC 68 .0305 LICENSURE REQUIREMENTS FOR INITIAL APPLICANTS FOR LICENSED CLINICAL ADDICTIONS SPECIALIST

In addition to meeting the requirements of G.S. 90-113.40, an applicant seeking licensure as a clinical addictions specialist shall submit the following:

(1) Documentation of completion of:

(a) Six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education;

(b) Six hours of clinical ethics training;

(c) Six hours of clinical supervision specific training; and

(d) Six hours selected from the following list:

(i) nicotine use disorder;

(ii) psychopathology;

(iii) evidence-based treatment;

(iv) substance use disorder issues and older adults;

(v) substance use disorder issues and veterans; and

(vi) substance use disorder issues and domestic violence.

All hours listed in this Item may be included in the 180 hours of substance use disorder training required for licensure;

(2) A copy of a substance use disorder specialty certificate or transcript if the applicant is applying under Criteria C as defined in G.S. 90-113.40 (c)(3), or is seeking education credit as described in Item (1) of this Rule under any other criteria outlined in G.S. 90-113.40 (c);

(3) An official transcript of completed masters or other advanced degree in a human services field with a clinical application as found in Rule .0101(5) of this Chapter, if not previously submitted under Item (2) of this Rule;

(4) A completed application found on the Board's website; and

(5) Payment of the following fees:

(a) All applicants who are in the deemed status group shall make payment of a non-refundable application fee of ten dollars ($10.00) and payment of a non-refundable credentialing fee of forty dollars ($40.00).

(b) All other applicants shall make payment of an application fee of twenty-five dollars ($25.00) and payment of a non-refundable certification fee of two hundred dollars ($200.00).

(c) All applicants seeking credentialing pursuant to Criteria A, Criteria B, and Criteria C of G.S. 90-113.40(c) shall make payment of a non-refundable examination fee of one hundred fifty dollars ($150.00). An applicant seeking credentialing pursuant to Criteria D (Deemed Status) who has not completed an examination as required by G.S 90-113.41(b), shall complete and pass the examination at his or her own expense.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40; 90-113.41;
Temporary Adoption Eff. November 15, 1997;
Eff. April 1, 1999;

Amended Eff. January 1, 2014; August 1, 2002;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0306 RENEWAL OF LICENSED CLINICAL ADDICTIONS SPECIALIST

(a) An applicant who is in the deemed status group shall submit the following every two years, prior to their license expiration:

(1) A completed application and a copy of the applicant's current substance use disorder certificate or its equivalent from the deemed status professional discipline; and

(2) A non-refundable renewal fee of thirty-five dollars ($35.00).

(b) All other individual applicants shall:

(1) Renew licensure as classified by the criteria for their original licensing every two years.

(2) Document completion of 40 hours of education pursuant to Rule .0401 of this Chapter during the current licensing period. A minimum of 30 hours shall be substance use disorder specific. This education may include a combination of hours, including attending and providing workshops.

(3) Meet re-licensing educational guidelines as a substance use disorder professional as follows:

(A) No more than 25 percent may be in-service education, received within the applicant's organization by staff of the same employment.

(B) No more than 25 percent of workshop presentation with one hour of presentation translating to one hour of education. Workshop presentation shall be pursuant to Rule .0213 of this Chapter.

(C) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical ethics training and education, and three hours of education to be selected from the list appearing in Rule .0305(1)(d) of this Section.

(4) Submit a completed application with continuing education documented.

(5) Submit a non-refundable one hundred fifty dollar ($150.00) renewal fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 90-113.38; 90-113.39; 90-113.41A;
Temporary Adoption Eff. November 15, 1997;
Eff. August 1, 1998;
Amended Eff January 1, 2014; April 1, 2003; August 1, 2002;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

This Section contains information for the meeting of the Rules Review Commission August 18, 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)
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

August 18, 2022	October 20, 2022
September 15, 2022	November 17, 2022

AGENDA
RULES REVIEW COMMISSION
Thursday, August 18, 2022, 9:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

I. Ethics reminder by the chair as set out in G.S. 138A-15(e)

II. Approval of the minutes from the last meeting

III. Follow-up matters

A. Board of Agriculture - 02 NCAC 52J .0101, .0102, .0103, .0104, .0105, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0301, .0302, .0303, .0304, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0501, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0803, .0901, .0902 (Peaslee)

B. Medical Care Commission - 10A NCAC 13B .3801. .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, .5411 (Liebman)

C. Criminal Justice Education and Training Standards Commission - 12 NCAC 09G .0205 (Liebman)

D. Sheriffs' Education and Training Standards Commission – 12 NCAC 10B .0704 (Peaslee)

E. Environmental Management Commission - 15A NCAC 02B .0208, .0212, .0214, .0215, .0216, .0218, (Duke)

F. Environmental Management Commission - 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 (Liebman)

G. Environmental Management Commission - 15A NCAC 02Q .0103, .0503, .0504, .0505, .0507, .0508, .0509, .0514, .0516, .0518, .0521, .0522, .0525, .0526 (Duke)

H. Coastal Resources Commission - 15A NCAC 07H .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0601, .0602, .0603, .0604; 07I .0204, .0302, .0305, .0306, .0401, .0402, .0406, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0601, .0602, .0701, .0702; 07J .0102, .0201, .0203, .0204, .0206, .0207, .0208, .0209, .0210, .0211, .0301, .0302, .0312, .0602, .0603, .0604, .0605, .0701, .0702, .0703 (Liebman)

I. Coastal Resources Commission - 15A NCAC 07H .1301, .1302, .1303, .1304, .1305, .1401, .1402, .1403, .1404, .1405, .1501, .1502, .1503, .1504, .1505, .1601, .1602, .1603, .1604, .1605, .1805, .2001, .2002, .2003, .2004, .2005, .2101, .2102, .2103, .2104, .2105, .2201, .2202, .2203, .2204, .2205, .2301,

.2302, .2303, .2304, .2305, .2401, .2402, .2403, .2404, .2405, .2601, .2602, .2603, .2604, .2605, .2701, .2702, .2703, .2704, .2705 (Duke)

J. Coastal Resources Commission - 15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0503, .0601, .0602, .0603, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0902, .1001, .1002, .1101, .1102, .1201, .1202 (Peaslee)

K. Board of Physical Therapy Examiners - 21 NCAC 48B .0102; 48E .0104; 48F .0101, .0103; 48G .0105, .0203, .0504 (Peaslee)

IV. Review of Filings (Permanent Rules) for rules filed between June 21, 2022 through July 20, 2022

- Credit Union Division (Peaslee)
- Criminal Justice Education and Training Standards Commission (Liebman)
- Environmental Management Commission 02B, 02P (Liebman)
- Marine Fisheries Commission/Wildlife Resources Commission (Duke)
- Wildlife Resources Commission/Marine Fisheries Commission (Duke)
- Wildlife Resources Commission (Duke)
- Environmental Management Commission 13B (Peaslee)
- Department of Transportation (Peaslee)
- Building Code Council (Liebman)

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

VI. Existing Rules Review

VII. Commission Business

- Pre-review Discussion
- Next meeting: September 15, 2022

Commission Review

Log of Permanent Rule Filings
June 21, 2022 through July 20, 2022

CREDIT UNION DIVISION

The rules in Subchapter 6C concern credit unions and include general information (.0100); organization of credit unions (.0200); basic internal controls: accounting procedures and operation standards for state-chartered credit unions (.0300); loans (.0400); impairment and insolvency (.0500); dividends deposits and interest rebate (.0600); accounts (.0700); reports to administrator (.0800); pension plans (.0900); retention of records (.1000); forms used by credit union division (.1100); investments (.1200); reserves (.1300); and signature guarantee services.

Loans to Credit Union Officials 04 NCAC 06C .0205
Amend*

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

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

Fingerprint Criminal History Record Check 12 NCAC 09B .0103
Amend*

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

Fresh Surface Water Quality Standards for Class C Waters 15A NCAC 02B .0211
Amend*

The rules in Subchapter 2P concern the commercial leaking petroleum underground storage tank cleanup fund including general considerations (.0100); program scope (.0200); annual operating fees (.0300); and reimbursement procedure (.0400).

General 15A NCAC 02P .0101
Amend*

Copies of Rules Incorporated by Reference 15A NCAC 02P .0102
Repeal*

False or Misleading Information 15A NCAC 02P .0103
Readopt with Changes*

Applicability 15A NCAC 02P .0201
Readopt with Changes*

Definitions 15A NCAC 02P .0202
Readopt with Changes*

Fees and Payment 15A NCAC 02P .0301
Readopt with Changes*

Notification 15A NCAC 02P .0302
Readopt with Changes*

Eligibility of Owner or Operator 15A NCAC 02P .0401
Readopt with Changes*

Cleanup Costs 15A NCAC 02P .0402
Readopt with Changes*

Third-Party Claims 15A NCAC 02P .0403
Readopt with Changes*

Requests for Reimbursement 15A NCAC 02P .0404
Readopt with Changes*

Method of Reimbursement 15A NCAC 02P .0405
Readopt with Changes*

Apportionment 15A NCAC 02P .0406
Readopt with Changes*

Appeal Rights 15A NCAC 02P .0407
Readopt with Changes*

MARINE FISHERIES COMMISSION/WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 3Q cover the joint and separate jurisdictions of the Marine Fisheries Commission and the Wildlife Resources Commission including general regulations (.0100); and boundary lines between inland, joint, and coastal waters (.0200).

Scope and Purpose 15A NCAC 03Q .0101
Readopt without Changes*

Inland Fishing Waters 15A NCAC 03Q .0102
Readopt without Changes*

Coastal Fishing Waters 15A NCAC 03Q .0103
Readopt without Changes*

Joint Fishing Waters 15A NCAC 03Q .0104
Readopt without Changes*

Posting Dividing Lines 15A NCAC 03Q .0105
Readopt without Changes*

Applicability of Rules: Joint Waters 15A NCAC 03Q .0106
Readopt without Changes*

Special Regulations: Joint Waters 15A NCAC 03Q .0107
Readopt without Changes*

Management Responsibility for Estuarine Striped Bass in J... 15A NCAC 03Q .0108
Readopt without Changes*

Implementation of Estuarine Striped Bass Management Plans... 15A NCAC 03Q .0109
Readopt without Changes*

WILDLIFE RESOURCES COMMISSION/MARINE FISHERIES COMMISSION

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish in inland fishing waters (.0300); nongame fish in inland fishing waters (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600); game fish in coastal fishing waters (.0700).

Scope and Purpose 15A NCAC 10C .0101
Readopt without Changes*

Inland Fishing Waters 15A NCAC 10C .0102
Readopt without Changes*

Coastal Fishing Waters 15A NCAC 10C .0103
Readopt with Changes*

Joint Fishing Waters 15A NCAC 10C .0104
Readopt with Changes*

Posting Dividing Lines 15A NCAC 10C .0105
Readopt without Changes*

Applicability of Regulations: Joint Waters 15A NCAC 10C .0106
Readopt with Changes*

Special Regulations: Joint Waters 15A NCAC 10C .0107
Readopt with Changes*

Specific Classification of Waters 15A NCAC 10C .0108
Readopt without Changes*

Protection of Sea Turtles 15A NCAC 10C .0109
Readopt without Changes*

Management Responsibility for Estuarine Striped Bass in W... 15A NCAC 10C .0110
Readopt with Changes*

Implementation of Estuarine Striped Bass Management Plans... 15A NCAC 10C .0111
Readopt without Changes*

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10D are game lands rules.

Alligator River Game Land in Tyrrell County 15A NCAC 10D .0201
Adopt*

Angola Bay Game Land in Duplin and Pender Counties Adopt*	15A NCAC 10D .0202
Bachelor Bay Game Land in Bertie and Washington Counties Adopt*	15A NCAC 10D .0203
Brinkleyville Game Land in Halifax County Adopt*	15A NCAC 10D .0206
Buckridge Game Land in Tyrrell County Adopt*	15A NCAC 10D .0208
Buffalo Cove Game Land in Caldwell and Wilkes Counties Adopt*	15A NCAC 10D .0209
Bullard and Branch Hunting Preserve Game Lands in Robeson... Adopt*	15A NCAC 10D .0210
Butner-Falls of Neuse Game Land in Durham, Granville, and... Adopt*	15A NCAC 10D .0211
Cape Fear River Wetlands Game Land in Pender County Adopt*	15A NCAC 10D .0213
Carteret County Game Land in Carteret County Adopt*	15A NCAC 10D .0214
Wayne Bailey-Caswell Game Land in Caswell County Adopt*	15A NCAC 10D .0215
Chatham Game Land in Chatham County Adopt*	15A NCAC 10D .0216
Chowan Game Land in Chowan County Adopt*	15A NCAC 10D .0217
Chowan Swamp Game Land in Bertie, Gates, and Hertford Cou... Adopt*	15A NCAC 10D .0218
Cold Mountain Game Land in Haywood County Adopt*	15A NCAC 10D .0219
Columbus County Game Land in Columbus County Adopt*	15A NCAC 10D .0220
Croatan Game Land in Carteret, Craven, and Jones Counties Adopt*	15A NCAC 10D .0221
Currituck Banks Game Land in Currituck County Adopt*	15A NCAC 10D .0222
Dare Game Land in Dare and Hyde Counties Adopt*	15A NCAC 10D .0224
Dupont State Forest Game Lands in Henderson and Transylva... Adopt*	15A NCAC 10D .0226
Elk Knob Game Land in Watauga County Adopt*	15A NCAC 10D .0227
Embro Game Land in Halifax and Warren Counties Adopt*	15A NCAC 10D .0228
Goose Creek Game Land in Beaufort and Pamlico Counties Adopt*	15A NCAC 10D .0229
Green River Game Land in Henderson and Polk Counties Adopt*	15A NCAC 10D .0230
Gull Rock Game Land in Hyde County Adopt*	15A NCAC 10D .0232
Harris Game Land in Chatham, Harnett, and Wake Counties Adopt*	15A NCAC 10D .0233
Hyco Game Land in Person County Adopt*	15A NCAC 10D .0237

Johns River Game Land in Burke County Adopt*	15A NCAC 10D .0239
Jordan Game Land in Chatham, Durham, Orange, and Wake Cou... Adopt*	15A NCAC 10D .0240
Juniper Creek Game Land in Brunswick and Columbus Counties Adopt*	15A NCAC 10D .0241
Kings Creek Game Lands in Caldwell and Wilkes Counties Adopt*	15A NCAC 10D .0243
Lee Game Land in Lee County Adopt*	15A NCAC 10D .0245
Light Ground Pocosin Game Land in Pamlico County Adopt*	15A NCAC 10D .0246
Linwood Game Land in Davidson County Adopt*	15A NCAC 10D .0247
Lower Fishing Creek Game Land in Edgecombe and Halifax Co... Adopt*	15A NCAC 10D .0248
Mayo Game Land in Person County Adopt*	15A NCAC 10D .0249
Mitchell River Game Land in Surry County Adopt*	15A NCAC 10D .0250
Nantahala Game Land in Cherokee, Clay, Graham, Jackson, M... Adopt*	15A NCAC 10D .0251
Needmore Game Land in Macon and Swain Counties Adopt*	15A NCAC 10D .0252
New Lake Game Land in Hyde and Tyrrell Counties Adopt*	15A NCAC 10D .0254
Nicholson Creek Game Land in Hoke County Adopt*	15A NCAC 10D .0255
North River Game Land in Camden and Currituck Counties Adopt*	15A NCAC 10D .0256
Northwest River Marsh Game Land in Currituck County Adopt*	15A NCAC 10D .0257
Pee Dee River Game Land in Anson, Montgomery, Richmond, a... Adopt*	15A NCAC 10D .0258
Perkins Game Land in Davie County Adopt*	15A NCAC 10D .0259
Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay... Adopt*	15A NCAC 10D .0260
Pond Mountain Game Land in Ashe County Adopt*	15A NCAC 10D .0261
Robeson Game Land in Robeson County Adopt*	15A NCAC 10D .0267
Sampson Game Land in Sampson County Adopt*	15A NCAC 10D .0270
Sandhills Game Land in Hoke, Moore, Richmond, and Scotland... Adopt*	15A NCAC 10D .0271
Sandy Creek Game Land in Nash and Franklin Counties Adopt*	15A NCAC 10D .0272
Shocco Creek Game Land in Franklin, Halifax, Nash, and Wa... Adopt*	15A NCAC 10D .0275
South Mountains Game Land in Burke, Cleveland, McDowell, ... Adopt*	15A NCAC 10D .0276

Stones Creek Game Land in Onslow County 15A NCAC 10D .0277
Adopt*

Suggs Mill Pond Game Land in Bladen and Cumberland Counties 15A NCAC 10D .0278
Adopt*

Suggs Sutton Lake Game Land in New Hanover and Brunswick ... 15A NCAC 10D .0279
Adopt*

Three Top Mountain Game Land in Ashe County 15A NCAC 10D .0282
Adopt*

Thurmond Chatham Game Land in Alleghany and Wilkes Counties 15A NCAC 10D .0283
Adopt*

Tillery Game Land in Halifax County 15A NCAC 10D .0284
Adopt*

Toxaway Game Land in Jackson and Transylvania Counties 15A NCAC 10D .0285
Adopt*

Uwharrie Game Land in Davidson, Montgomery, and Randolph ... 15A NCAC 10D .0286
Adopt*

Van Swamp Game Land in Beaufort and Washington Counties 15A NCAC 10D .0288
Adopt*

William H. Silver Game Land in Haywood County 15A NCAC 10D .0292
Adopt*

Yadkin River Game Land in Davidson, Davie, Montgomery, Ro... 15A NCAC 10D .0293
Adopt*

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Chapter 13 concern Solid Waste Management.

The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer stations (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); requirements for beneficial use of coal combustion products (.1700); and financial assurance requirements for solid waste management facilities (.1800).

Application Requirements for C&DLF Facilities 15A NCAC 13B .0535
Amend*

Application Requirements for MSWLF Facilities 15A NCAC 13B .1617
Amend*

TRANSPORTATION, DEPARTMENT OF

The rules in Chapter 2 are from the Division of Highways.

The rules in Subchapter 2D concern highway operations including standards for design and construction (.0100); landscape (.0200); field operations-maintenance and equipment (.0400); ferry operations (.0500); oversize-overweight permits (.0600); highway design branch (.0700); prequalification advertising and bidding regulations (.0800); regulations for informal construction and repair contracts (.0900); adopt-a-highway program (.1000); and disadvantaged business enterprise, minority business enterprise and women business enterprise programs for highway and bridge construction contracts (.1100).

Advertisement and Invitation for Bids 19A NCAC 02D .0803
Amend*

BUILDING CODE COUNCIL

2018 NC Building Code/Oil Separators Required Amend*	1003.4