NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 12 • Pages 897 – 921

December 15, 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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Raleigh, North Carolina 27603
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NC League of Municipalities — 919-715-2925
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Monica Jackson — mjackson@nclm.org

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545 Legislative Office Building
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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

November 14, 2022

EXECUTIVE ORDER NO. 273

EXTENDING THE NORTH CAROLINA TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE

WHEREAS, the undersigned issued Exec. Order No. 145, 35 N.C. Reg. 23-26 (July 1, 2020) on June 9, 2020, establishing the North Carolina Task Force for Racial Equity in Criminal Justice ("Task Force"); and

WHEREAS, the undersigned directed the Task Force to "develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color"; and

WHEREAS, the Task Force made one hundred and twenty-five (125) recommendations to reimagine public safety, improve policing practices, enhance accountability, strengthen the law enforcement profession, eliminate racial disparities in the courts, and promote racial equity post-conviction; and

WHEREAS, following the release of these recommendations, the Task Force worked with policymakers and partners over the span of two (2) years on implementation; and

WHEREAS, the Task Force made valuable progress in advancing its recommendations, including by helping to secure the passage of important legislation; and

WHEREAS, for example, N.C. Sess. Law 2021-123, which was enacted on August 30, 2021, raises the age of juvenile jurisdiction from six (6) to ten (10) in most cases and gives prosecutors flexibility to charge 16- and 17-year-olds in juvenile courts instead of adult courts; and

WHEREAS, N.C. Sess. Law 2021-138, which was enacted on September 2, 2021, improves law enforcement recruitment, training, and accountability practices by establishing a duty for officers to intervene and report when they witness another officer use excessive force and requiring law enforcement agencies to have early warning systems to support the professional development and psychological needs of officers and institute behavioral interventions when needed; and

WHEREAS, N.C. Sess. Law 2021-143 (the Dignity for Women Who are Incarcerated Act), which was enacted on September 10, 2021, makes North Carolina part of the majority of states that restrict the shackling of pregnant women to protect their medical health and afford them dignity while incarcerated; and

WHEREAS, the Task Force also made valuable progress by advancing recommendations at the local level, including supporting local government and law enforcement agency initiatives; and

WHEREAS, among these initiatives are: the New Hanover County's "Port City United," a violence prevention and intervention program established in the wake of school violence; Greensboro Police Department's co-responder team to respond to mental health calls; Duke University Hospital's hospital-based violence interruption program; and Raleigh Police Department's work to train its entire department on its duty-to-intervene policy; and

WHEREAS, the Task Force made valuable progress by hosting learning sessions, sharing funding opportunities, and raising awareness of the need to advance racial equity in criminal justice; and

WHEREAS, the undersigned fulfilled recommendations of the Task Force by establishing the Juvenile Sentence Review Board, implementing updated funding priorities for the Governor's Crime Commission, and directing the North Carolina Department of Public Safety to implement certain Task Force recommendations; and

WHEREAS, the North Carolina Supreme Court fulfilled a recommendation of the Task Force by issuing an Order Adopting Rule 28 of the General Rules of Practice for Superior and District Courts that creates a procedure for defendants to file a motion for an assessment of their ability to pay legal financial obligations; and

WHEREAS, continued work is needed to fulfill the goals of Executive Order No. 145 given the long history of structural inequity in the criminal justice system; and

WHEREAS, Black Americans are disproportionately impacted by gun violence, experiencing ten (10) times the gun homicides, eighteen (18) times the gun assault injuries, and nearly three (3) times the fatal shootings by police as white Americans; and

WHEREAS, a restructured Task Force will focus on achievable and impactful improvements to the criminal justice system in North Carolina through continued implementation of Task Force recommendations; and

WHEREAS, Executive Order No. 145 expires on December 31, 2022, and the undersigned has determined the Task Force's work must be continued; and

WHEREAS, pursuant to Article III of the North Carolina Constitution 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

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

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

Section 1. Task Force

A. Establishment and Purpose

The Task Force is hereby continued, as amended herein. The mission of the Task Force is to further implement solutions recommended in the North Carolina Task Force for Racial Equity in Criminal Justice December 2020 Report (the "December 2020 Report") that will eliminate disparate outcomes in the criminal justice system for communities of color.

B. Duties

The Task Force shall review recommendations identified in the December 2020 Report, as well as all subsequent progress reports, and identify next steps for not-yet-completed recommendations, with an emphasis on but not limited to the following focus areas:

1. Local law enforcement practices and accountability, including:

    a. Promoting diversity in the law enforcement profession and enhancing training, recruitment, and retention of law enforcement
    b. Improving responses to behavioral health crises, including supporting co-responder programs, diversion, and crisis intervention training
    c. Enhancing accountability in the criminal justice system, including the use of body worn cameras
    d. Promoting best practices, including on use of force, investigations, protests and demonstrations, and community policing

2. Violence prevention, including evidence-based community violence intervention programs, restorative justice programs, youth crime reduction efforts and School Justice Partnerships

3. Judicial system policies and practices that result in racially inequitable outcomes including but not limited to charging, sentencing, fines and fees, and collateral consequences of convictions

4. Collection, analysis and public display of criminal justice system data

The Task Force will advance recommendations by providing guidance to state agencies, working with local communities, and convening stakeholders and sharing best practices. The Task Force is expected to continue to consult with local, state, and national criminal justice and racial justice experts and people with experiences relevant to the Task Force's mission.

The Task Force should focus on implementing existing recommendations, but it may also make new recommendations as needed to respond to emerging criminal justice trends or issues.

The Task Force shall provide advice and guidance on any other matters the Governor refers to the Task Force.

C. Membership

The Task Force shall be comprised of no more than twenty-seven (27) members, including chair(s). All members shall be appointed by the Governor and shall serve at the Governor's pleasure. The Governor shall select the chair or co-chairs to lead the Task Force. The Task Force shall include representatives from the following groups:

- North Carolina Department of Justice;
- North Carolina Department of Public Safety;
- North Carolina Judicial Branch, including appellate, district and superior court judges;
- District Attorneys;
- Public Defenders;
- Organizations or individuals that represent or advocate for marginalized communities, including communities of color, Latinx, American Indian and LGBTQ populations;
- Justice-involved individuals;
- Victim advocates;
- Chiefs of Police;
- Sheriffs;
- North Carolina General Assembly;
- Local elected officials; and

- Other appropriate representatives from local and state government, academic institutions, research or advocacy groups, etc.

D. Meetings, Quorum, and Deliverables

1. The Task Force shall meet at least quarterly. A simple majority of the Task Force members shall constitute quorum to transact business. Meetings of the Task Force shall be conducted consistent with the state Open Meetings Laws, N.C. Gen. Stat. § 143-318.9 *et seq*.

2. The Task Force shall submit a report describing Task Force activities and recommendations to the Office of the Governor annually by December 31st of each year.

3. The Task Force shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

Section 2. Effective Date

This Executive Order is effective immediately and shall remain in effect until December 31, 2024, unless rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 14th of November in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Karma Automotive Distribution LLC

Applicant's Address: 9950 Jeronimo Road, Irvine, CA. 92618

Application Date: November 10, 2022

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Karma Automotive LLC- Member

Ronald Samaco- Manager

Jeffery Wawryzyniak – Manager

William Monroe Jr. - Manager

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

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rule cited as 21 NCAC 32B .1002.*

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncmedboard.org/about_the_board/rule_changes*

Proposed Effective Date: *May 1, 2023*

Public Hearing:
Date: *February 13, 2023*
Time: *10:00 a.m.*
Location: *3127 Smoketree Court, Raleigh, NC 27604*

Reason for Proposed Action: *To clarify the existing clinical role and requirements of the supervising physician for certified nurse midwifes; to enact a rule that's enforceable by the NC Medical Board regarding its own licensees; and to address concerns identified by DHHS regarding its investigation of a birthing center.*

Comments may be submitted to: *Wanda Long, 3127 Smoketree Court, Raleigh, NC 27604; email Rules@ncmedboard.org*

Comment period ends: *February 13, 2023*

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 32B – LICENSE TO PRACTICE MEDICINE

SECTION .1000 - PRESCRIBING

21 NCAC 32B .1002 PHYSICIAN SUPERVISION OF NURSE MIDWIVES

(a) A physician wishing to serve as a supervising physician for a certified nurse midwife shall exercise supervision of the nurse midwife in the following manner:

(1) Comply with the procedures for establishing physician supervision as set out in 21 NCAC 33 .0104;
(2) Be accountable for the certified nurse midwife's activities and professional conduct.
(3) Assure that the certified nurse midwife is qualified by education, training, and competence to perform all medical acts.

(b) For purposes of this Rule, "supervision" shall mean the physician's function of overseeing the medical acts performed by the certified nurse midwife.

Authority G.S. 90-5.1(a)(3).

* * * * * * * * * * * * * * * * * * * *

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to amend the rule cited as 21 NCAC 32M .0107.*

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncmedboard.org/about_the_board/rule_changes*

Proposed Effective Date: *May 1, 2023*

Public Hearing:
Date: *February 13, 2023*
Time: *10:00 a.m.*
Location: *3127 Smoketree Court, Raleigh, NC 27604*

Reason for Proposed Action: *The proposed amendment would require nurse practitioners to obtain 50 contact hours of continuing education every two years instead of every year. In addition, the rule would be amended to include a provision that a nurse practitioner who maintains a current national certification with a national credentialing body will be deemed in compliance with his or her CE requirements. A nurse practitioner must*

continue to provide documentation of all continuing education for the previous five calendar years upon the request of either board.

The proposed amendments track the current requirements for physician assistants, who by Board rule 21 NCAC 32S .0216, must complete 50 hours of Category I CME every two years. Also, per this same rule, a physician assistant who possesses a current certification with the National Commission on Certification of Physician Assistants is deemed to be in compliance with the Board's CE requirements.

Comments may be submitted to: *Wanda Long, 3127 Smoketree Court, Raleigh, NC 27604; phone (919) 326-1109; email rules@ncmedboard.org*

Comment period ends: *February 13, 2023*

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 32M - APPROVAL OF NURSE PRACTITIONERS

21 NCAC 32M .0107 CONTINUING EDUCATION (CE)

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

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

(c) A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

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

Authority G.S. 90-5.1(a)(3); 90-8.2; 90-18(c)(14); S.L. 2015-241, s. 12F.

* * * * * * * * * * * * * * * * * * * *

CHAPTER 36 – BOARD OF NURSING

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Nursing intends to amend the rule cited as 21 NCAC 36 .0807.*

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

Proposed Effective Date: *April 1, 2023*

Public Hearing:
Date: *January 26, 2023*
Time: *1:00 p.m.*
Location: *4516 Lake Boone Trail, Raleigh, NC 27607*

Reason for Proposed Action:
***21 NCAC 36 .0807** Continuing Education (CE), does not align with requirements for Nurse Practitioners nationally nor does it align with the continuing education requirements for North Carolina Physician's Assistants under a similar structure. North Carolina requires more continuing education of their Nurse Practitioners than any other state, with Illinois the closest state requiring 40 hours annually. Additionally, Nurse Practitioners in North Carolina are required to have more continuing education than any other licensed healthcare professional in this state. The clinical pharmacist is the next closest in requiring 35 hours annually. The proposed amendment would require 50 contact hours of continuing education every 2 years as opposed to every year. This amendment also specifies maintaining national certification as defined in 21 NCAC .0801(8) will meet the continuing education requirements for Nurse Practitioners biennially.*

Comments may be submitted to: *Angela Ellis, PO Box 2129, Raleigh, NC 27602-2129; email lawsrules@ncbon.com*

Comment period ends: *February 13, 2023*

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 .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS

21 NCAC 36 .0807 CONTINUING EDUCATION (CE)

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

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

(c) A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

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

Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s 12F.

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rules cited as 26 NCAC 03 .0103, .0112 and .0123.*

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

Proposed Effective Date: *April 1, 2023*

Public Hearing:
Date: *January 5, 2023*
Time: *9:00 a.m.*
Location: *Commission Room, Office of Administrative Hearings, 1711 New Hope Church Rd., Raleigh, NC 27609*

Reason for Proposed Action: *The Office of Administrative Hearings is proposing amendments to three rules to delete unnecessary provisions, modernize the rules, and provide clarifying language where necessary. The proposed amendments also clean-up existing language in accordance with the Administrative Rules Style Guide.*

Comments may be submitted to: *Ashley Snyder, 1711 New Hope Church Rd., Raleigh, NC 27609; email ashley.snyder@oah.nc.gov*

Comment period ends: *February 13, 2023*

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 03 - HEARINGS DIVISION

SECTION .0100 - HEARING PROCEDURES

26 NCAC 03 .0103 COMMENCEMENT OF CONTESTED CASE: NOTICE AND FILING FEE

~~(a) A contested case in the Office of Administrative Hearings is commenced by the filing of a petition as required by G.S. 150B-23 and payment of the appropriate filing fee (if a fee is required by G.S. 150B-23.2).~~

~~(b)~~(a) Within five days of filing a petition to commence a contested case, the Chief Administrative Law Judge shall assign an administrative law judge to the case. Within ten days of the filing of a petition commencing a contested case, the ~~chief hearings clerk~~ Chief Hearings Clerk of the Office of Administrative Hearings shall serve a Notice of Contested Case Filing and Assignment upon all who are parties to the dispute. The notice shall contain the following:

(1) ~~Name~~ name of case and date of filing;

(2) ~~Name,~~ name, address, and telephone number of the assigned administrative law judge; and

(3) ~~A~~ a request that the party send within 30 days a copy of the document constituting the agency action that caused the filing of the ~~petition.~~ petition or a written explanation of why the petitioner is a party or person aggrieved if a document constituting the agency action does not exist.

~~(c)~~(b) In contested cases commenced by a person aggrieved involving the following causes of action, the petitioner shall pay a filing fee of one hundred twenty-five dollars ($125.00):

(1) ~~Contested~~ contested cases challenging certificate of need filed pursuant to G.S. 131E-188;

(2) ~~Contested~~ contested cases challenging permit actions under G.S. 143-215.1, G.S. 143-215.10C, G.S. 143-215.15, and G.S. 143-215.108; and

(3) ~~Contested~~ contested cases where the amount in controversy is fifty thousand dollars ($50,000) or greater.

~~(d)~~(c) In contested cases commenced by a person aggrieved that do not involve the causes of action listed in Paragraph ~~(c)~~(b) of this Rule, the petitioner shall pay a fee of twenty dollars ($20.00).

~~(e) The filing fee shall be waived in a contested case in which the petition is filed in forma pauperis and supported by such proofs as are required in G.S. 1-110. A petitioner seeking to have the filing fee waived under this Paragraph shall file the appropriate OAH form with the chief hearings clerk simultaneously when filing the petition for a contested case.~~

~~(f)~~(d) The filing fee shall be waived in a contested case involving a mandated federal cause of ~~action.~~ action such as Medicaid or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

~~(g)~~(e) When filing a petition for a contested case, the petitioner shall simultaneously submit the filing fee or a request to proceed in forma pauperis.

(1) If the filing fee is not ~~paid,~~ paid or is paid in an incorrect ~~amount,~~ amount at the time of filing, the Office of Administrative Hearings shall notify the petitioner in writing and permit a late payment of the filing fee to be made within 60 days of the date the petition was filed. If the filing fee is not paid ~~and good cause is not shown by the petitioner~~ within ~~the~~ 60 days of the date of filing, the petition ~~shall be dismissed by the Administrative Law Judge.~~ may be dismissed pursuant to G.S. 150B-33(b)(10).

(2) To proceed in forma pauperis, a petitioner shall submit an affidavit on a form provided by OAH containing the substantive requirements listed in G.S. 1-110(a). Late forms shall be accepted within the timeframe set in Subparagraph (e)(1) of this Rule.

(h) The filing fee shall be ~~reimbursed~~ refunded when ~~applicable in accordance with~~ Rule .0105(7) of this ~~Section.~~ Section applies.

(i) The method of payment of the filing fee shall be:

(1) cash;

(2) money order;

(3) certified check;

(4) check drawn on an attorney's trust or operating ~~account.~~ account; or

(5) credit or debit card if the petition is filed electronically.

Authority G.S. 150B-23; 150B-23.2; 150B-33.

26 NCAC 03 .0112 DISCOVERY

~~(a) Discovery methods are means designed to assist parties in preparing to meet their responsibilities and protect their rights during hearings without unduly delaying, burdening or complicating the hearings process and with due regard to the rights and responsibilities of other parties and persons affected. Accordingly, parties are obliged to exhaust all less formal opportunities to obtain discoverable material before utilizing this Rule.~~

~~(b)~~(a) Any means of discovery available pursuant to the North Carolina Rules of Civil Procedure, G.S. 1A-1, is allowed. If the party from whom discovery is sought objects to the discovery, the party seeking the discovery may file a motion with the administrative law judge to obtain an order compelling discovery. In the disposition of the motion, the party seeking discovery shall have the burden of showing that the discovery is needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues in controversy are significant enough to warrant the discovery. ~~In ruling on a motion for discovery, the administrative law judge shall recognize all privileges recognized at law.~~

~~(c)~~(b) When a party serves another party with a Request for Discovery, that request need not be filed with the Office of Administrative Hearings but shall be served upon all parties.

~~(d)~~(c) The parties in any contested case shall ~~immediately commence to exchange information voluntarily, to~~ voluntarily exchange information upon filing the contested case, seek access as provided by law to public ~~documents~~ documents, and ~~to~~ exhaust other informal means of obtaining discoverable material.

~~(e)~~ All discovery shall be completed no later than the first day of the contested case hearing. ~~An administrative law judge may shorten or lengthen the period for discovery and adjust hearing dates accordingly and, when necessary, allow discovery during the pendency of the contested case hearing.~~

~~(f)~~(d) No later than 15 days from receipt of a notice requesting discovery, the receiving party shall:

(1) move for relief from the request;
(2) provide the requested information, material or access; or
(3) offer a schedule for reasonable compliance with the request.

~~(g)~~(e) Sanctions for failure of a party to comply with an order of the administrative law judge made pursuant to the discovery rules of this Chapter shall be as provided for by G.S. 1A-1, Rule 37, to the extent that an administrative law judge may impose such sanctions, and Rule .0114 of this Section.

Authority G.S. 1A-1, Rule 5; 150B-28; 150B-33(b)(3)(4).

26 NCAC 03 .0123 OFFICIAL RECORD

(a) The official record of a contested case shall be available for public inspection upon request. An administrative law judge may, consistent with law, order all or part of an official record sealed.
(b) The official record shall be prepared in accordance with G.S. 150B-37(a).
(c) Contested case hearings shall be recorded either by a hearing assistant provided by the Office of Administrative Hearings or a court reporter listed by the North Carolina Administrative Office of the Courts as authorized and approved to prepare transcripts of proceedings held in the courts of all counties procured directly by one or more parties to the contested case.
(d) If a contested case hearing is cancelled, the party responsible for the cancellation shall provide a 24-hour cancellation notice to the other parties in all cases in which a hearing assistant is provided by the Office of Administrative Hearings.
(e) Transcripts of proceedings held in the Office of Administrative Hearings shall be made only upon request of a party. When proceedings are recorded by a court reporter, transcript requests shall be made directly to the court reporter. When proceedings are recorded by a hearing assistant, transcript requests shall be made directly to a transcriptionist listed by the North Carolina Administrative Office of the Courts as authorized and approved to prepare transcripts of proceedings held in the courts of all counties.
(f) A party who orders a transcript shall use an Office of Administrative Hearings ~~Transcript Contract~~ transcript form to order the transcript, which shall include the following information:

(1) case name and number;
(2) requestor information; and
(3) transcriptionist information.

That form is available on the Office of Administrative Hearings website at https://www.oah.nc.gov and may be obtained from the Chief Hearings Clerk upon request. The party ordering the transcript shall file the transcript ~~contract~~ form with the Office of Administrative Hearings and shall serve the transcript ~~contract~~ form on all other parties and the transcriptionist.
(g) The transcriptionist shall deliver the transcript to the ~~parties~~ party or parties that requested the transcript and file the transcript with the Office of Administrative Hearings by email to oah.clerks@oah.nc.gov in PDF format no later than 30 days after having been served with the transcript contract.
(g) Copies of recordings made by a hearing assistant are available upon written request at a cost set out in 26 NCAC 01 .0103.

Authority G.S. 7A-751; 150B-37.

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

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10B .0503*

Effective Date: *November 29, 2022*

Date Approved by the Rules Review Commission: *November 17, 2022*

Reason for Action: *G.S. 150B-21.1(a)(7)b. A temporary amendment is needed to replace the emergency amendment addressing the use of natural deer excretions from hunter-harvested deer in the CWD surveillance area during the 2022-2023 hunting season. Prohibiting possession and use of these substances will aid in the detection and reduce movement of CWD in the surveillance area.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside a Surveillance Area, except that bird feeders and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting during the urban archery season shall be allowed within the established season in participating municipalities.

(b) It is unlawful to export a live cervid, cervid carcass, or carcass parts originating from inside a Surveillance Area except:

(1) meat that has been boned out such that no pieces or fragments of bone remain;
(2) caped hides with no part of the skull or spinal column attached;
(3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
(4) cleaned lower jawbones with teeth or cleaned teeth;
(5) finished taxidermy products and tanned hides; and
(6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

(c) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(d) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance area.

(e) No person shall possess or use any substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting ~~wildlife.~~ wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

(1) ~~Products~~ products containing synthetic analogs of cervid excretions and labeled as ~~such.~~ such;
(2) ~~Natural~~ natural substances collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as ~~such.~~ such;
(3) ~~Natural~~ natural deer urine products containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as ~~such.~~ such; and
(4) ~~Natural~~ natural deer urine products containing excretions from facilities that meet all the following requirements and are labeled as such:
    (A) ~~Determined~~ determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD ~~prions.~~ prions;
    (B) ~~Complies~~ complies with a federally approved CWD herd certification program and any federal CWD ~~protocols.~~ protocols; and
    (C) ~~Participates~~ participates in additional herd management requirements as specified by the Wildlife Resources Commission.

History Note: Authority G.S. 113-134; 113-306;
Temporary Adoption Eff. July 1, 2022;
Emergency Adoption Eff. September 1, 2022;
Temporary Adoption Eff. November 29, 2022.

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Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10D .0229*

Effective Date: *December 1, 2022*

Date Approved by the Rules Review Commission: *November 17, 2022*

Reason for Action: *G.S. 150B-21.1(7)d, 150B-21.1(a)(7)b, 150B-21.3(b2). The WRC adopted this rule in February of 2022. The rule was approved by the RRC in August of 2022 and received more than 10 letter of objection. A temporary rule is necessary to manage activities on this game land in the 2022-2023 seasons.*

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0200 - USE OF GAME LANDS

15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES

Goose Creek game land is a Seven Days per Week Area, in which the following applies:

(1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.

(2) Except as provided in 15A NCAC 10D .0103(d)(2), waterfowl in posted waterfowl impoundments shall be taken only on the following days:

(a) the opening and closing days of the applicable waterfowl seasons;

(b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

(c) Tuesdays and Saturdays of the applicable waterfowl seasons.

(3) Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons, waterfowl hunting is by permit only as defined in 15A NCAC 10D .0103 on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.

(4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.

(5) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.

(6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.

(7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Beaufort County portion north of NC 33 except for that portion east of Smith Creek and south of Campbell Creek.

(8) Bear shall not be harvested on Sunday.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Temporary Adoption Eff. December 1, 2022.

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Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10D .0232*

Effective Date: *December 1, 2022*

Date Approved by the Rules Review Commission: *November 17, 2022*

Reason for Action: *G.S. 150B-21.1(7)d, 150B-21.1(a)(7)b. This rule was adopted as part of the 2022-2023 annual rulemaking cycle. During technical corrections, a typographical error was made removing "Tuesday" from the December Bear Season. Temporary rulemaking is required to accurately set open days of the December bear season on Gull Rock game land.*

15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY

Gull Rock is a Seven Days per Week Area, in which the following applies:

(1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(2) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:

(a) the opening and closing days of the applicable waterfowl seasons;

(b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

(c) Tuesdays and Saturdays of the applicable waterfowl season.

(3) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.

(4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and the second Saturday, Monday, and Tuesday of the December Bear Season.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022;
Temporary Amendment Eff. December 1, 2022.

This Section contains information for the meeting of the Rules Review Commission November 17, 2022 and November 22, 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)
Jay R. Hemphill
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
Seth M. Ascher	984-236-1934

RULES REVIEW COMMISSION MEETING DATES

January 19, 2023	March 16, 2023
February 16, 2023	April 20, 2023

RULES REVIEW COMMISSION MEETING
MINUTES
November 17, 2022

The Rules Review Commission met on Thursday, November 17, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

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

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

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

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

The Chair introduced new Commission Counsel Seth Ascher to the Commission.

APPROVAL OF MINUTES
The Chair asked for any discussion, comments, or corrections concerning the minutes of the October 20, 2022 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

DRAFT

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters for the State Board of Elections and Permanent Rules for Behavior Analyst Licensure Board.

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 61 .0101, .0102, .0104, .0106, .0109, and .0111 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyle III, Bobby Bryan, Jay Hemphill, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Jeff Hyde joined the meeting via Webex.

Board of Agriculture

02 NCAC 52J .0208 and .0704 - The rules were returned at the request of the agency. No action was required by the Commission.

State Board of Elections

08 NCAC 04 .0308, and .0309 – The Commission objected to the rules in accordance with G.S. 150B-21.10. The Commission voted to adopt the staff opinion dated November 16, 2022 to object to the rules for failure to comply with the APA as the rules contain substantial changes that did not meet the notice and comment requirements of the permanent rulemaking process in addition to an objection for lack of statutory authority to adopt the rules, and the ambiguity contained in the rules.

Paul Cox, General Counsel for the Board of Elections, addressed the Commission.

Dr. Andy Jackson, with the John Locke Foundation, addressed the Commission.

Medical Care Commission

10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 - The agency submitted revised rules for 10A NCAC 13B .4801 and .4805. The Commission did not vote on these Rules pending the agency's intention to seek a legislative fix to address the overarching statutory objection. No action was required by the Commission.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0205, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0408, .0410 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218 - The Commission objected to these Rules at the May meeting. The agency has not responded to the Commission's objection since August 2022. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0601, .0603, .0604; 07I .0406, .0504, .0506, .0508, .0510, .0511, .0602, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0210, and .0312 – The Commission objected to these Rules at the September meeting. Pursuant to G.S. 150B-21.12(b), the time for the agency to respond to the objection has not expired. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .2305 – The Commission objected to this Rule at the September meeting. Pursuant to G.S. 150B-21.12(b), the time for the agency to respond to the objection has not expired. No action was required by the Commission.

DRAFT

Coastal Resources Commission
15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0503, .0601, .0603, .0701, .0703, .0704, .0801, .0802, .1001, .1002, .1101, .1102, .1201, and .1202 - The Commission objected to these Rules at the September meeting. Pursuant to G.S. 150B-21.12(b), the time for the agency to respond to the objection has not expired. No action was required by the Commission.

Commission for Public Health
15A NCAC 18A .1301, .1302, .1304, .1305, .1306, .1307, .1308, .1309, .1310, .1311, .1312, .1313, .1314, .1315, .1316, .1317, .1318, .1319, .1320, .1321, .1323, .1324, and .1327 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)
Department of Administration
Upon the call of the Chair, the Commission extended the period of review for 01 NCAC 05A .0112, 01 NCAC 05E .0101, .0102, .0103, .0104, .0105, and .0106 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Haley Pfeiffer-Haynes, with the agency, addressed the Commission.

Structural Pest Control Committee
Upon the call of the Chair, the Commission extended the period of review for 02 NCAC 34 .0904 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

State Fire and Rescue Commission
Upon the call of the Chair, the repeal of 11 NCAC 05B .0301 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission
Upon the call of the Chair, 12 NCAC 10B .0603 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Upon the call of the Chair, the Commission extended the period of review for 12 NCAC 10B .0713 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

State Board of Education
Upon the call of the Chair, 16 NCAC 06G .0508 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Behavior Analyst Licensure Board
Upon the call of the Chair, the Commission extended the period of review 21 NCAC 05 .0101, .0201, .0202, .0203, .0301, .0401, .0402, .0403, .0501, .0601, .0602, and .0603 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Licensing Board for General Contractors
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

DRAFT

Board of Dental Examiners
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Board of Dietetics/Nutrition
Upon the call of the Chair, the Commission extended the period of review for 21 NCAC 17 .0101, .0103, .0104, .0106, .0108, .0110, .0112, .0114, .0116, .0201, .0202, .0203, .0302, .0303, .0304, .0401, .0402, .0403, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0515, .0516, and .0517 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

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

Upon the call of the Chair, 21 NCAC 32A .0115 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Building Code Council
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)
Upon the call of the Chair 15A NCAC 10B .0503; 10D .0229, and .0232 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

EXISTING RULES REVIEW
State Board of Education
16A NCAC 06B, C, D, E, F, G, H, I, & J - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than June 30, 2026 pursuant to G.S. 150B-21.3A(d)(2).

The Chair called the meeting into a brief recess at 10:27 a.m.

The meeting resumed at 10:35 a.m.

COMMISSION BUSINESS
Staff presented the Commission with an overview of proposed changes to 26 NCAC 05 .0100 - .0200.
Staff gave an overview of the upcoming Periodic Review process. The Commission will address the new schedule at the December meeting.

The Chair presented the updated pre-review checklist submitted by the NCBA Administrative Law Section to the RRC for discussion.

Bain Jones, the Chair of the North Carolina Bar Association, addressed the Commission.

The meeting adjourned at 10:48 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 15, 2022, at 9:00 a.m.

_____
Alexander Burgos, Paralegal

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

DRAFT

November 17, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Ann Wall	Sec of State
Donya Strong	Dept. of Administration
Robert E. Jaouhari	Cranfill Sumner LLP
Barden Culbreth	Randolph Cloud & Assoc. repping NCBA Board
Robert Pickett	NCDOJ / Sheriffs
ADAM STEELE	NC STATE BOARD OF ELECTIONS
Simena Jones	NCDOJ / Sheriffs Standards
Haley Pfeiffer Haynes	NC DOA
Brit Toth	Sec State
Paul Cox	NCSBE
Bain Jones	NCBA

Rules Review Commission Meeting November 17, 2022
Via WebEx

Name	Agency
Melissa Vuotto	NCREC
Anna Choi	General Contractors
Travis Narron	raleighnc.gov
Daniel Johnson	DOT
Fred Moreno	NCREC
Hannah Schoenbaum	ap.org
Sumit Gupta	NCLEG
Canaan Huie	mvalaw.com
Ellen Roeber	PT Board
Madison Mackenzie	
Marnie Jones	NCBDN
Jill Cramer	Labor
Paul Finkelstein	NCSBE
Spencer Ramsey	Behavior Analyst Board
Lindsey Wakely	NCSBE
H Landi	DOT
Shelby Taylor	DHHS
Blake Brewer	apcoworldwide.com
Emma Kate Sowder	NCMEDSOC
Jessica Montie	DEQ
Nathan Vail	DHHS
Virginia Niehaus	DHHS
Andy Jackson	John Locke
Thomas Jumalon	DHHS
Carol Williams	
Will Polk	DPS
Hampton Billips	ktsstrategies.com
James Burnette	Agriculture
Laura Lansford	DOR
David Elliott	DOA
David Rittlinger	DOI
Laura Rowe	Treasurer
Mac O'connor	
Ashley Pekrul	WRC
Anna Hayworth	Agriculture
Charla Burill	Dietetics
Hannah Jernigan	DOT
Renee Woody	Agriculture
Carrie Ruhlman	WRC
Ross Smith	myncma.org

Eric Hunt	DOJ
Powell Baggett	Treasurer
Pam Cashwell	DOA
Caitlin Schwab-Falzone	Behavior Analyst Board
John Barkley	DOJ
Yashira Cangas	Behavior Analyst Board
Shane Smith	DHHS
Brandon Walker	DPI
Douglas Brocker	Dental
Larry Michael	DHHS
Melissa Bowman	DOJ
Nadine Pfeiffer	DHHS

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RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2020 through June 30, 2023

Education, State Board of
Total: 110

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
16 NCAC 06B .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06B .0107	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0202	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0301	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0302	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0304	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0305	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0306	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0307	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0308	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0313	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0401	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0402	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0403	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0404	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0405	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0406	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0501	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0502	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0503	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0504	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0601	Necessary with substantive public interest	May 21, 2022
16 NCAC 06C .0602	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0105	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0106	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0204	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0205	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0206	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0207	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0208	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0209	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0210	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0401	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0402	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0501	Necessary with substantive public interest	May 21, 2022

16 NCAC 06D .0503	Necessary with substantive public interest	May 21, 2022
16 NCAC 06D .0506	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0104	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0105	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0301	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0302	Necessary with substantive public interest	May 21, 2022
16 NCAC 06E .0303	Necessary with substantive public interest	May 21, 2022
16 NCAC 06F .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06F .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06F .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06F .0104	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0203	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0303	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0304	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0305	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0306	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0307	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0308	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0309	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0501	Necessary with substantive public interest	May 21, 2022
16 NCAC 06G .0502	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0104	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0105	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0106	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0107	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0108	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0109	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0110	Necessary with substantive public interest	May 21, 2022
16 NCAC 06H .0112	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0104	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0105	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0201	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0202	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0301	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0302	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0303	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0304	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0401	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0402	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0403	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0404	Necessary with substantive public interest	May 21, 2022
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16 NCAC 06I .0406	Necessary with substantive public interest	May 21, 2022
16 NCAC 06I .0407	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0101	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0102	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0103	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0104	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0105	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0106	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0107	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0108	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0109	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0110	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0201	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0202	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0203	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0204	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0205	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0206	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0207	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0208	Necessary with substantive public interest	May 21, 2022
16 NCAC 06J .0301	Necessary with substantive public interest	May 21, 2022

LIST OF APPROVED PERMANENT RULES
November 17, 2022 Meeting

AGRICULTURE, BOARD OF

Definitions	02 NCAC	61	.0101
Authorized Sanitizing Processes	02 NCAC	61	.0102
Recordkeeping for Sanitization	02 NCAC	61	.0104
Storage of Secondhand or Previously-Used Materials	02 NCAC	61	.0106
License Fees and Applications	02 NCAC	61	.0109
Durable Materials for Tags	02 NCAC	61	.0111

STATE FIRE AND RESCUE COMMISSION

Minimum Professional Qualifications	11 NCAC	05B	.0301

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Period of Suspension: Revocation: or Denial	12 NCAC	10B	.0205
Minimum Standards for Justice Officers	12 NCAC	10B	.0301
Documentation of Educational Requirement	12 NCAC	10B	.0302
Fingerprint Criminal History Records Check	12 NCAC	10B	.0303
Medical Examination	12 NCAC	10B	.0304
Background Investigation	12 NCAC	10B	.0305
Employment Interview	12 NCAC	10B	.0306
Criminal History Record	12 NCAC	10B	.0307
Verification of Records to the Division	12 NCAC	10B	.0408
Agency Reporting of Drug Screening Results	12 NCAC	10B	.0410
Evaluation for Training Waiver	12 NCAC	10B	.0603

PUBLIC HEALTH, COMMISSION FOR

Definitions	15A NCAC	18A	.1301
Approval of Plans	15A NCAC	18A	.1302
Inspections	15A NCAC	18A	.1304
Grading Residential Care Facilities in Institutions	15A NCAC	18A	.1305
Public Display of Grade Card	15A NCAC	18A	.1306
Reinspections	15A NCAC	18A	.1307
Scoring System	15A NCAC	18A	.1308
Floors	15A NCAC	18A	.1309
Walls and Ceilings	15A NCAC	18A	.1310
Lighting and Ventilation	15A NCAC	18A	.1311
Toilet: Handwashing: and Bathing Facilities	15A NCAC	18A	.1312
Water Supply	15A NCAC	18A	.1313
Drinking Water Facilities: Ice Handling	15A NCAC	18A	.1314
Liquid Wastes	15A NCAC	18A	.1315
Solid Wastes: Premises Medical Wastes	15A NCAC	18A	.1316
Pest Control: Pesticides	15A NCAC	18A	.1317
Medical Supplies	15A NCAC	18A	.1318
Furnishings and Laundry	15A NCAC	18A	.1319
Activity Kitchens, Rehabilitation Kitchens, and Nourishme...	15A NCAC	18A	.1320

Food Supplies	15A NCAC	18A	.1321
Food Protection in Activity Kitchens, Rehabilitation Kitc...	15A NCAC	18A	.1323
Employees	15A NCAC	18A	.1324
Incorporated Rules	15A NCAC	18A	.1327

EDUCATION, STATE BOARD OF

Charter Schools Application and Review Process	16 NCAC	06G	.0508

GENERAL CONTRACTORS, LICENSING BOARD FOR

Classification	21 NCAC	12A	.0202
Application for Licensure	21 NCAC	12A	.0303
Application for Initial Approval of Continuing Education ...	21 NCAC	12B	.0201

DENTAL EXAMINERS, BOARD OF

Board Approved Examinations	21 NCAC	16B	.0303
Board Approved Examinations	21 NCAC	16C	.0303

MEDICAL BOARD

Petition for Rulemaking	21 NCAC	32A	.0115

BUILDING CODE COUNCIL

2018 NC Administrative Code/Design Professional Seal Requ...	204.3.5
2018 NC Fire Code	903.2.8
2018 NC Building Code	Table 602 and 903.2.8
2018 NC Residential Code/Scope and Exterior Walls	R101.2 and Table R302.1

LIST OF APPROVED TEMPORARY RULES
November 17, 2022 Meeting

WILDLIFE RESOURCES COMMISSION

Surveillance Area	15A NCAC	10B	.0503
Goose Creek Game Land in Beaufort and Pamlico Counties	15A NCAC	10D	.0229
Gull Rock Game Land in Hyde County	15A NCAC	10D	.0232

RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
November 22, 2022

The Rules Review Commission met for a Special Meeting on Tuesday, November 22, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The special meeting was called pursuant to G.S. 150B-21.1(b1), in order to review permanent rules from the Board of Agriculture for rules originally filed and extended the period of review at the September 15, 2022 RRC meeting.

Commissioners Andrew Atkins, Wayne R. Boyles III, Jeanette Doran, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho were present via Webex.

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

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

DRAFT

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

FOLLOW UP MATTERS

Board of Agriculture

Upon the call of the Chair, the Commission approved 02 NCAC 52B .0212 and .0214 by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: 0.

COMMISSION BUSINESS

The meeting adjourned at 9:06 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 15, 2022, at 9:00 a.m.

DRAFT

_____

Alexander Burgos, Paralegal

_____

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

LIST OF APPROVED PERMANENT RULES

November 22, 2022 Meeting

AGRICULTURE, BOARD OF

Importation Requirements: Wild Animals	02 NCAC	52B	.0212
Importation Requirements: Rabbits, or Any Species in the ...	02 NCAC	52B	.0214