

NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 13 • Pages 922 – 973

January 3, 2023

I. IN ADDITION	
Elections, State Board of – Advisory Opinion.....	922 – 928
Elections, State Board of – Limitation on Contributions.....	929
License and Theft Bureau – Public Notice of License Application Submission	930
Pharmacy, Board of - Narrow Therapeutic Index Drugs.....	931
II. PROPOSED RULES	
Health and Human Services, Department of	
Department.....	932
Justice, Department of	
Sheriffs' Education and Training Standards Commission	932 – 936
Occupational Licensing Boards and Commissions	
Nursing Home Administrators, Board of Examiners for.....	936 – 937
III. APPROVED RULES	938 – 966
Agriculture and Consumer Services, Department of	
Agriculture, Board of	
Insurance, Department of	
State Fire and Rescue Commission	
Justice, Department of	
Sheriffs' Education and Training Standards Commission	
Environmental Quality, Department of	
Public Health, Commission for	
State Board of Education	
Education, State Board of	
Occupational Licensing Boards and Commissions	
General Contractors, Licensing Board for	
Dental Examiners, Board of	
Medical Board	
IV. RULES REVIEW COMMISSION	967 – 972

PUBLISHED BY

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

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

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

Raleigh, North Carolina 27609

984-236-1850

984-236-1947 FAX

contact: Ashley B. Snyder, Codifier of Rules

ashley.snyder@oah.nc.gov

984-236-1941

Dana McGhee, Publications Coordinator

dana.mcghee@oah.nc.gov

984-236-1937

Cathy Matthews-Thayer, Editorial Assistant

cathy.thayer@oah.nc.gov

984-236-1901

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

Raleigh, North Carolina 27609

984-236-1850

984-236-1947 FAX

contact: Brian Liebman, Commission Counsel

brian.liebman@oah.nc.gov

984-236-1948

Lawrence Duke, Commission Counsel

lawrence.duke@oah.nc.gov

984-236-1938

William W. Peaslee, Commission Counsel

bill.peaslee@oah.nc.gov

984-236-1939

Seth M. Ascher, Commission Counsel

seth.ascher@oah.nc.gov

984-236-1934

Alexander Burgos, Paralegal

alexander.burgos@oah.nc.gov

984-236-1940

Julie B. Eddins, Administrative Assistant

julie.brincefield@oah.nc.gov

984-236-1935

Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov

984-236-0694

NC Association of County Commissioners

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

919-715-2893

amy.bason@ncacc.org

NC League of Municipalities

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Monica Jackson

919-715-2925

mjackson@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

919-733-2578

919-715-5460 FAX

NORTH CAROLINA REGISTER
Publication Schedule for January 2023 – December 2023

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/21/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/21/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

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

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611

(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

Al Pisano, State Chair
Constitution Party of North Carolina
7209-J WT Harris Blvd.
Charlotte, NC 28207

November 28, 2022

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding quarterly report filing by political parties

Dear Mr. Pisano,

Thank you for contacting our office. You have requested an advisory opinion, pursuant to N.C.G.S. § 163-278.23, on the interpretation of N.C.G.S. § 163-278.9(a)(3). Specifically, you are asking whether the Constitution Party of NC, which is not a recognized political party for the purpose of placing candidates on the ballot under N.C.G.S. § 163-96, is required to file quarterly reports during even-numbered years.¹

When interpreting provisions of the General Statutes, the State Board is guided by the rules of statutory interpretation set forth in case law from our state courts. “The cardinal principle of statutory interpretation is to ensure that legislative intent is accomplished. To determine legislative intent, we first look to the language of the statute.” *Friends of Joe Sam Queen v. Ralph Hise for NC Senate*, 223 N.C. App. 395, 402, 735 S.E.2d 229, 234 (2012) (citation omitted). Additionally, when interpreting campaign finance regulations, we are mindful of the fact that disclosure requirements are designed to promote public accountability for those engaged in the political process. “[T]he whole purpose of the campaign finance laws is to make the information available to the public at all times for voters’ review” *State v. Wright*, 206 N.C. App. 239, 243, 696 S.E.2d 832, 836 (2010).

I. Definition of Political Party in Article 22A Versus Article 9

The campaign finance reporting obligations in Article 22A of Chapter 163 of the General Statutes apply to a political party regardless of the party’s official recognition status under N.C.G.S. § 163-96, which is found in Article 9.

N.C.G.S. § 163-278.9 outlines the annual reporting requirements for each candidate and each “political committee” in North Carolina. N.C.G.S. § 163-278.6(74) defines a political committee as:

¹ The Constitution Party of NC was recognized as a political party under N.C.G.S. § 163-96 between June 2018 and January 2021.

[A] combination of two or more individuals, such as any person, committee, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:

- a. Is controlled by a candidate;
- b. Is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party;
- c. Is created by a corporation, business entity, insurance company, labor union, or professional association pursuant to G.S. 163-278.19(b); or
- d. Has the major purpose to support or oppose the nomination or election of one or more clearly identified candidates; [or]
- e. Is an affiliated party committee.

Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party. If the entity qualifies as a "political committee" under sub-subdivision a., b., c., or d. of this subdivision, it continues to be a political committee if it receives contributions or makes expenditures or maintains assets or liabilities. A political committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

The Constitution Party of NC's status as a political party under Article 22A (which is where section 163-278.6 appears) does not appear to be at issue in this request. The Constitution Party of NC filed campaign finance forms indicating political party status in 2008. Exhibit A. Amended Statements of Organization filed in 2009, 2010, 2011, 2012, 2013, 2021 and 2022 continued this representation. Accordingly, the Constitution Party of NC has consistently classified itself as a political party when officially notifying the State Board of its status in campaign finance-related filings. As a political party composed of two or more individuals that accepts contributions and makes expenditures, pursuant to N.C.G.S. § 163-278.6(74), the Constitution Party of NC is and continues to be a "political committee" subject to regulation under Article 22A.

Furthermore, N.C.G.S. § 163-278.6(76) specifies that when used in Article 22A, "[t]he term 'political party' means any political party organized or operating in this State, *whether or not* that party is recognized under the provisions of G.S. 163-96." (Emphasis added.) A political party's recognition under N.C.G.S. § 163-96 (which is found in Article 9 of Chapter 163) pertains to the ability of the political party to place candidates on the ballot in primary and general elections in this state, not to the organization's campaign finance disclosure obligations. *See* N.C.G.S. §§ 163-97, -98, -106, -110. In fact, when a party loses recognition under section 163-96, the law limits the effect of that loss of recognition to issues

concerning the conduct of primaries and general elections: “When any political party fails to meet the test set forth in G.S. 163-96(a)(1), it shall cease to be a political party *within the meaning of the primary and general election laws and all other provisions of this Subchapter.*” N.C.G.S. § 163-97 (emphasis added). Accordingly, recognition under section 163-96 generally has no effect on the obligations or benefits associated with political party status under Article 22A.² The singular exception is N.C.G.S. § 163-278.13(h). In that section, the General Assembly limited the exemption from the contribution limit in N.C.G.S. § 163-278.13(a) to those political parties “officially recognized under G.S. 163-96.” This demonstrates that when the legislature seeks to apply the narrower definition of “political party” from section 163-96 to a campaign finance regulation, it does so explicitly—likely in recognition of the fact that the campaign finance laws generally define “political party” without regard to the party’s official recognition under section 163-96, as explained above.

II. Overview of N.C.G.S. § 163-278.9(a)(3)

The requirement of a political committee to file quarterly reports is found in N.C.G.S. § 163-278.9. That section reads in relevant part, “the treasurer of each candidate and of each political committee shall file with the Board under certification of the treasurer as true and correct to the best of the knowledge of that officer . . . (3) Quarterly Reports.—During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting or opposing a candidate . . .” N.C.G.S. § 163-278.9(a).

Although this quarterly report requirement refers to a “campaign committee” instead of a “political committee,” we interpret these terms interchangeably. That is because the term “campaign committee” is undefined in Article 22A, and section 163-278.9 treats these terms as equivalents. In N.C.G.S. § 163-278.9(a), the statute refers to the general obligation for filing *all* reports as belonging to “the treasurer of *each candidate and each political committee.*” (Emphasis added.) Then, in subdivision (a)(3), the provision addressing quarterly reports specifically, the obligation for a treasurer to file a report is triggered “[d]uring even-numbered years during which there is an election for *that candidate* or in which the *campaign committee* is supporting or opposing a candidate.” (Emphasis added.) This parallel construction between subsection (a) and subdivision (a)(3), combined with the lack of any definition for “campaign committee,” demonstrates the legislative intent to use that term interchangeably with “political committee.” Therefore, N.C.G.S. § 163-278.9(a)(3) should be read as requiring quarterly reports “[d]uring even-numbered years during which there is an election . . . in which the [political] committee is supporting or opposing a candidate.”

² Benefits of political party status under Article 22A include “under threshold” reporting consistent with N.C.G.S. § 163-278.10A and the ability for a political party executive committee to establish a headquarters building fund under N.C.G.S. § 163-278.19B.

III. Application of N.C.G.S. § 163-278.9(a)(3) to Political Parties

Having established that a political party may be regulated under Article 22A regardless of whether it is an officially recognized party for ballot access under Article 9, and having established that political parties may be subject to filing quarterly reports, the final issue to resolve is whether the Constitution Party of NC “is supporting or opposing a candidate” such that the quarterly report obligation is triggered in an even-numbered year. N.C.G.S. § 163-278.9(a)(3). Further elaboration on the meaning of “political party” is instructive in this regard.

While Article 22A’s definition of “political party” is admittedly circular, *see* N.C.G.S. § 163-278.6(76) (“[t]he term ‘political party’ means any political party organized or operating in this State”), there are other sources that provide guidance. Black’s Law Dictionary defines a “political party” as “[a]n organization of voters formed to influence the government’s conduct and policies by nominating and electing candidates to public office.” Black’s Law Dictionary (11th ed. 2019). Further, under federal election law, “[t]he term ‘political party’ means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.” 52 U.S.C. § 30101. Ultimately, these definitions demonstrate that political parties exist to support candidates for public office.

A political party that is active in receiving contributions and making expenditures is furthering this purpose. Whether a candidate supported by the political party will appear on the ballot as a nominee of the political party pursuant to N.C.G.S. § 163-96 has no bearing on the clear intent of the General Assembly to ensure political parties make quarterly disclosures in even-numbered years for the purpose of public transparency. As such, N.C.G.S. § 163-278.9(a)(3) must be read such that all political parties, whether recognized to nominate candidates in the even-numbered year election or not, are required to file quarterly reports.

IV. Absurd Result Doctrine

The absurd result doctrine further bolsters the interpretation of N.C.G.S. § 163-278.9(a)(3) given above. “[I]f a literal interpretation of a word or phrase’s plain meaning will lead to ‘absurd results, or contravene the manifest purpose of the Legislature, as otherwise expressed, the reason and purpose of the law shall control.’” *State v. Rankin*, 371 N.C. 885, 889, 821 S.E.2d 787, 792 (2018) (quoting *State v. Beck*, 359 N.C. 611, 614, 614 S.E.2d 274, 277 (2005)). The separate requirement to file so-called “48-hour reports” demonstrates the absurdity of an interpretation that a political party could be excused from filing quarterly reports.

N.C.G.S. § 163-278.9(a)(2) says, “[a] political committee, political party or affiliated party committee that receives a contribution or transfer of funds shall disclose within 48 hours of receipt a contribution or transfer of one thousand

dollars (\$1,000) or more received before an election but *after the period covered by the last report due before that election.*" (Emphasis added.)

Accordingly, section 163-278.9(a)(2) requires all political parties, whether submitting quarterly or semiannual reports, to make 48-hour disclosures between the last date covered under the final report before the election and the day of the election. When a party files quarterly reports, the period that the party would be subject to filing 48-hour reports lasts seventeen days, since the third quarterly report (the final quarterly report before the election) covers through the seventeenth day before the election. However, if a political party were permitted to file only semiannual reports, under the theory that they have no candidate on the ballot, that party would be subject to the 48-hour disclosures from July 1 through election day, a period of over four months. It does not stand to reason that the legislature would have intended parties without candidates on the ballot to have a significantly longer period of heightened reporting requirements as compared to parties with candidates on the ballot—nearly eight times as long. If all political parties are required to file quarterly reports, then the issue of some parties filing 48-hour disclosures from July 1 through election day in November is avoided. Therefore, the interpretation of N.C.G.S. § 163-278.9(a)(3) offered above avoids the absurd result and is preferred.

V. Conclusion

N.C.G.S. § 163-278.9(a)(3) requires all political parties receiving contributions or making expenditures, regardless of their official recognition under N.C.G.S. § 163-96, to file quarterly reports in even-numbered years. Should the Constitution Party of NC engage in this activity in future reporting periods, the treasurer should file quarterly disclosure reports.

Nothing in this opinion should be read to impact the right of the Constitution Party of NC to be exempt from filing quarterly or semiannual reports by qualifying "under threshold" consistent with N.C.G.S. § 163-278.10A or by qualifying for inactive status under N.C.G.S. § 163-278.10.

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

Sincerely,



Karen Brinson Bell
Executive Director
North Carolina State Board of Elections

Exhibit A

Amendment
 Yes No

Statement of Organization - Party Committee

Use this form to create a new or update an existing party committee.
 This form must be accompanied by form CRO-3500.

1. Committee Information		c. ID Number	
a. Full Name <i>Constitution Party of North Carolina State Executive Committee</i>		d. Date Organized <i>10/31/2008</i>	
b. Mailing Address (include City, State and Zip Code) <i>7209-J East W.T. Harris Blvd. #119 Charlotte, NC 28227</i>		e. Phone Number <i>(828) 729-4509</i>	
2. Party Information		4. Custodian of Books Information	
a. Type <input type="checkbox"/> National <input checked="" type="checkbox"/> State <input type="checkbox"/> Subordinate		a. Full Name <i>Justin Randleman</i>	
b. Party Name <i>Constitution Party of North Carolina</i>		b. Mailing Address (include City, State, and Zip Code) <i>208 Hwy 74 West Rockingham, NC 28379</i>	
3. Treasurer Information		c. Phone Number	
a. Full Name <i>Jordan Matthew Greene</i>		d. Email Address <i>webmaster@constitutionparty.nc.com</i>	
b. Mailing Address (include City, State, and Zip Code) <i>2125-A Kilborne Drive Charlotte, NC 28205</i>		e. Phone Number <i>(704) 997-3766</i>	
c. Phone Number <i>(828) 729-4509</i>		d. Email Address <i>treasurer@constitutionparty.nc.com</i>	
5. Assistant Treasurer Information		6. Account Information (incl. CRO-3500)	
a. Full Name <input type="checkbox"/> Add <input type="checkbox"/> Remove		a. Financial Institution Full Name <i>BB&T</i> <input type="checkbox"/> Add <input type="checkbox"/> Remove	
b. Mailing Address (include City, State, and Zip Code)		b. Purpose <i>Donations and Expenditures</i>	
c. Phone Number		c. Account Code <i>1</i>	
d. Email Address		d. Type <i>Checking</i>	
CERTIFICATION			
I certify that the Committee or Fund is in compliance with all applicable provisions of Article 22A, 22B & 22D-22M of Chapter 163 of the NC General Statutes and that no funds are commingled with prohibited or other non-disclosed funds. I further certify that this report is complete, true and correct.			
<i>Jordan M. Greene</i> Printed Name of Signer		<i>J.M. Greene</i> Signature of Appointed Treasurer	
		<i>11-06-2008</i> Date	

CRO-2100C

NC State Board of Elections

December 2007

NOV 19 2008

5 11-13-08 R

-----Original Message-----

From: chairman@constitutionpartync.com <chairman@constitutionpartync.com>

Sent: Saturday, November 5, 2022 8:40 PM

To: Bell, Karen B <Karen.Bell@ncsbe.gov>

Subject: [External] Formal Request By The Constitution Party of NC for a written advisory opinion

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<<mailto:report.spam@nc.gov>>

Executive Director Bell,

N.C.G.S. § 163-278.23 authorizes The Executive Director of the North Carolina State Board of Elections to issue advisory opinions.

Therefore, The Constitution Party of North Carolina State Executive committee is hereby formally requesting a written opinion on N.C.G.S. § 163-278.9(a)(3) which reads:

Quarterly Reports. – During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting or opposing a candidate, the treasurer shall file a report by mailing or otherwise delivering it to the Board no later than seven working days after the end of each calendar quarter covering the prior calendar quarter, except that: a. The report for the first quarter shall also cover the period in April through the seventeenth day before the primary, the first quarter report shall be due seven days after that date, and the second quarter report shall not include that period if a first quarter report was required to be filed; and b. The report for the third quarter shall also cover the period in October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.

To be more specific, The Constitution Party of North Carolina is not currently ballot qualified and we are not supporting or opposing any candidates in the 2022 midterm elections and according to the law as written it appears that The Constitution Party of North Carolina should file semi-annual and not quarterly reports in 2022.

Therefore, We are formally requesting a written opinion on the interpretation of N.C.G.S. § 163-278.9(a)(3) when a Political Party is not supporting or opposing candidates.

Al Pisano

State Chairman Constitution Party of North Carolina



NORTH CAROLINA
STATE BOARD OF ELECTIONS

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

LIMITATION ON CONTRIBUTIONS

Pursuant to N.C.G.S. § 163-278.13(b), this serves as notice that the contribution limit for North Carolina candidates and political committees found in N.C.G.S. §§ 163-278.13(a), (c), and (d) increased from five thousand six hundred dollars (\$5,600) to six thousand four hundred dollars (\$6,400) effective January 1, 2023. This change is based on the 14.3477% increase in the Consumer Price Index (all items – U.S. city average) from July 1, 2020 to July 1, 2022.

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: Star EV Corporation

Applicant's Address: 378 Neely Ferry Road, Simpsonville, SC 29680

Application Date: 11/4/2022

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

Jane Zhang CEO

Jun Hu President

**NARROW THERAPEUTIC INDEX DRUGS DESIGNATED BY THE NORTH
CAROLINA SECRETARY OF HUMAN RESOURCES**

Pursuant to N.C.G.S. §90-85.27(4a), this is a revised publication from the North Carolina Board of Pharmacy of narrow therapeutic index drugs designated by the North Carolina Secretary of Human Resources upon the advice of the State Health Director, North Carolina Board of Pharmacy, and North Carolina Medical Board.

Carbamazepine: all oral dosage forms

Cyclosporine: all oral dosage forms

Digoxin: all oral dosage forms

Ethosuximide

Levothyroxine sodium tablets

Lithium (including all salts): all oral dosage forms

Phenytoin (including all salts): all oral dosage forms

Procainamide

Theophylline (including all salts): all oral dosage forms

Warfarin sodium tablets

Tacrolimus: all oral dosage forms

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

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Health and Human Services intends to adopt the rule cited as 10A NCAC 14J .1307.

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

Proposed Effective Date: December 1, 2023

Public Hearing:

Date: February 27, 2023

Time: 10:00 a.m.

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

Reason for Proposed Action: *The proposed permanent adoption to the rule in Subchapter 10A NCAC 14J, Jails, Local Confinement Facilities, is in response to the mandate in a recent Act of the General Assembly, specifically Part IX, Section 9K in Session Law 2022-74, House Bill 103, “Current Operations Appropriations Act of 2022” that became effective on October 1, 2022. In Section 9K.1.(a) of the law, revisions were made to G.S. 153A-222 for the inspection report procedure to be used by the governing body following the inspections of local confinement facilities and for the right to request a contested case hearing in response to any or all findings in the inspection report by the governing body, sheriff or other administrator of the local confinement facility. A temporary rule implementing these statute changes is being adopted. This proposed adoption will satisfy the Act’s mandate and make the temporary rule permanent in the N.C. Administrative Code to ensure that the provisions of the law are implemented following the inspection process of these facilities.*

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

Comment period ends: March 6, 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 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14J – JAILS, LOCAL CONFINEMENT FACILITIES

SECTION .1300 - INSPECTION AND ENFORCEMENT OF MINIMUM STANDARDS

10A NCAC 14J .1307 CONTESTED CASE HEARING

A governing body, sheriff, or other administrator of a local confinement facility may request a contested case hearing pursuant to G.S. 153A-222(c).

Authority G.S. 153A-222; S.L. 2022-74(s.9K.1.a).

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to adopt the rule cited as 12 NCAC 10B .0704.

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

Proposed Effective Date: May 1, 2023

Public Hearing:

Date: February 7, 2023

Time: 9:00 a.m.

Location: 1700 Tryon Park Drive, Raleigh, NC

Reason for Proposed Action: *This rule governs and outlines the responsibilities of schools that are approved to run the Detention Officer Certification Course. The detention officer certification*

course is basic training required for all detention officers certified in the state of North Carolina.

Comments may be submitted to: Sirena Jones/Melissa Bowman, 1700 Tryon Park Drive, Raleigh, NC 27610; phone (919) 779-8213

Comment period ends: March 6, 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 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0700 - MINIMUM STANDARDS FOR JUSTICE OFFICER SCHOOLS AND TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 10B .0704 RESPONSIBILITIES: SCHOOLS AND DETENTION OFFICER COURSE COURSES

(a) In planning, developing, coordinating, and delivering any commission-certified Detention Officer Certification Courses, the school shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established by the rules in this Chapter.
(A) Any Detention Officer Certification Course shall be presented with a minimum of 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed, with the exception of weeks in which there are

regularly scheduled holidays pursuant to G.S. 103-4.

(B) Upon written request by the school delivering a class, the Director shall grant a waiver of the minimum hours requirement to that particular delivery of the class when illness, adverse weather, staffing shortages at the school or law enforcement agency employing the students or hosting the course, a declared state of emergency, incident requiring an emergency response by law enforcement, or riot prevent students from attending class or the school from staffing instructors for the class for 40 hours of instruction a week.

(2) Select and schedule instructors who are certified by the Commission under 12 NCAC 10B .0901 through 12 NCAC 10B .0909. The selecting and scheduling of instructors is subject to special requirements as follows:

(A) No single instructor may be scheduled to instruct more than 35 percent of the total hours of the curriculum during any Detention Officer Certification Course delivery except as set forth in Part (a)(2)(B) of this Rule.

(B) Where the school submits in writing to the Director of the Division a showing of exceptional or emergency circumstances, the Director of the Division shall grant written approval for the expansion of the individual instructional limitation. Emergencies justifying an instructor to teach more than 35 percent of a Detention Officer Certification Course are situations when illness, accident, or other exceptional circumstances make it unfeasible to staff the class with other certified instructors.

(C) The appropriate number of instructors for specific topic areas shall be scheduled as required in 12 NCAC 10B .0703.

(3) Provide each instructor with a Commission-approved course outline and inform each instructor of their duties and responsibilities as specified in the Commissions' regulations and Detention Officer Certification Course Manual and Course Management Guide.

(4) Review each instructor's lesson plans and other instructional materials for conformance to the rules in this Chapter and to minimize repetition and duplication of subject matter.

(5) Arrange for the timely availability of audiovisual aids and materials, publications,

facilities and equipment for training in all topic areas as required in any Detention Officer Certification Course Management Guide" as published by the North Carolina Justice Academy shall be used as the basic curriculum for the Detention Officer Certification Course. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual, CD, indexes and binder is fifty-one dollars and seventy-five cents (\$51.75) at the time this Rule was last amended. The "Detention Officer Certification Course Management Guide" published by the North Carolina Justice Academy is hereby incorporated by reference, including subsequent amendments and editions, and shall be used by school directors in planning, implementing, and delivering basic detention officer training. The standards and requirements established by the "Detention Officer Certification Course Management Guide" shall be adhered to by the school director. The Justice Academy shall issue to each certified school director a copy of the guide at the time of certification at no cost to the certified school.

- (6) If the School adopts rules that exceeds the minimum requirements this Subchapter regarding the delivery of a Detention Officer Certification course, the school shall submit to the Director as an Attachment to the Pre-Delivery Report of Training Course Presentation, Form F-7A. A copy of such rules shall also be given to each trainee and to the sheriff of each trainee's employing agency at the time the trainee enrolls in the course.
- (7) A copy of such rules, regulations and requirements adopted by the school pursuant to Subparagraph (a)(6) of this Rule shall be submitted to the Director as an attachment to the Pre-Delivery Report of Training Course Presentation, Form F-7A. A copy of such rules shall also be given to each trainee and to the sheriff or agency head of each trainee's employing agency at the time the trainee enrolls in the course.
- (8) Not less than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) that shall contain information on the course delivery location, school director, class schedule, anticipated date of the State Comprehensive Exam, and any planned instructional hours in addition to the minimum requirements along with the following attachments:

(A) A comprehensive course schedule showing the arrangement of topical presentations and proposed instructional assignments;

(B) A copy of any rules, regulations, and requirements for the school and, when appropriate, completed applications for certification of instructors. The Director shall review the submitted Pre-Delivery Report together with all attachments to ensure that the school is in compliance with all Commission rules; if school's rules are found to be in violation, the Director shall notify the school of any deficiency, and approval shall be withheld until all matters are in compliance with the Commissions' rules.

(9) Shall have probationary instructors evaluated by an instructor certified pursuant to 12 NCAC 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must designate an instructor certified to instruct the practical portion of the block of instruction to evaluate the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the Division at the conclusion of each course delivery. Based on the evaluation referenced in 12 NCAC 10B .0905(b)(1), the school shall recommend approval or denial of requests for Detention Officer Instructor Certification, Limited Lecturer Certification, or Professional Lecturer Certification. The observations shall ensure the instructor is using the Instructional Systems Design model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery follows the training objectives in the commission-approved lesson plan. For each topic area, the designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of student evaluations of the instructor.

(10) Shall have all other instructors evaluated by an instructor certified pursuant to 12 NCAC 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must designate an instructor certified to instruct the practical portion of the block of instruction to evaluate the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the Division at the conclusion of each course delivery. The observations shall ensure the instructor is using the Instructional

Systems Design model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery follows the training objectives in the commission-approved lesson plan. For each topic area, the designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of student evaluations of the instructor. Form F-16 shall contain information on the instructor, evaluator, courses taught and observed, location and time of delivery, sponsoring agency, and evaluation of instructor performance based upon instructor ability and use of instructional strategies taught in the Criminal Justice Instructor Training.

- (11) Ensure that any designated certified instructor who is evaluating the instructional presentation of another, holds certification in the same instructional topic area as that being taught.
- (12) Administer tests the end of each topic area as specified in 12 NCAC 10B .0601 during the course delivery.
- (13) Maintain supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been assigned.
- (14) Administer all course work pursuant to 12 NCAC 10B .0606.
- (15) Submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B), which shall contain information on the sponsoring agency, course beginning and end date, and deviations from the planned course delivery as specified on Form 7-A, within 10 days of receiving the Commission's Report of Examination Scores.

(b) In addition to the requirements in Paragraph (a) of this Rule, the school shall designate a point of contact who shall be available to students and Division staff at all times during course delivery by telephone or other means. Available means that the point of contact may be contacted at any time of day or night by students, school personnel, or division staff and shall return the call or other means of communication within 12 hours of contact if initial contact is not successful. The means, and applicable numbers, shall be filed with the commission-certified training delivery site and the Division prior to the beginning of a scheduled course delivery.

(c) The Commission shall examine the Detention Officer Certification Course Management Guide and Detention Officer Certification Course Training Manual developed by the North Carolina Justice Academy and vote by simple majority on whether to approve them as setting the curriculum and course management requirements for the Detention Officer Certification Course. Subsequent substantive changes to either the Training Manual or Course Management Guide must be approved by a majority vote by the Commission.

Authority G.S. 17E-4.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rule cited as 12 NCAC 10B .1302.

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

Proposed Effective Date: May 1, 2023

Public Hearing:

Date: February 7, 2023

Time: 9:00 a.m.

Location: 1700 Tryon Park Drive, Raleigh, NC

Reason for Proposed Action: *The amendment to this rule is based on the recent Job Task Analysis completed for the telecommunicator certification training course. The total number of hours of the course remains the same; however the topics and hours were reallocated.*

Comments may be submitted to: *Melissa Bowman/Sirena Jones, 1700 Tryon Park Drive, Raleigh, NC 27610*

Comment period ends: March 6, 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 (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SECTION .1300 - MINIMUM STANDARDS OF TRAINING FOR TELECOMMUNICATORS

12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE

(a) The Commission hereby ~~accredits~~ adopts as its telecommunicator certification training program, the 47-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy.

(b) Each Telecommunicator Certification Course shall include the following identified topic areas and ~~approximate~~ minimum instructional hours for each area:

- (1) Orientation 2 hours
- (2) Introductory Topics for the Telecommunicator ~~2 3~~ hours
- (3) Interpersonal Communication 4 ~~2~~ hours
- (4) Civil Liability for the Telecommunicator 4 ~~5~~ hours
- (5) Telecommunications Systems and Equipment ~~2 3~~ hours
- (6) Overview of Emergency Services 9 ~~7~~ hours
- (7) ~~Communications Resources~~ 2 hours
- (8)(7) ~~Call Reception, Prioritization, and Resource Allocation~~ Reception and Prioritization ~~6 8~~ hours
- (9)(8) ~~Broadcasting Techniques, Rules, and Procedures~~ Techniques and Resource Allocation ~~6 7~~ hours
- (10)(9) Telecommunicator Training Practicum 8 hours
- (11)(10) State Comprehensive Examination 2 hours
- TOTAL HOURS 47 hours

(c) Consistent with the curriculum development policy of the Commission as published in the "Telecommunicator Certification Course Management ~~Guide~~", Guide," the Commission shall designate the developer of the Telecommunicator Certification Course curricula and such designation shall be deemed by the Commission as approval for the developer to conduct pilot Telecommunicator Certification Courses. Individuals who complete such a pilot Telecommunicator Certification Course offering shall be deemed to have complied with and satisfied the minimum training requirement.

(d) The "Telecommunicator Certification Training ~~Manual~~" Manual," as published by the North Carolina Justice ~~Academy~~ Academy, shall be used and shall automatically include any later amendments and editions of the incorporated matter to apply as the basic curriculum for the Telecommunicator Certification Course. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099.

(e) The "Telecommunicator Certification Course Management ~~Guide~~" Guide," as published by the North Carolina Justice ~~Academy~~ Academy, shall be used and shall automatically include any later amendments, editions of the incorporated matter to be used by certified ~~school~~ schools ~~directors~~ in planning, implementing and delivering basic telecommunicator training. The standards and requirements established by the "Telecommunicator Certification Course Management Guide" must be adhered to by the certified ~~school director~~, school. Each certified school ~~director~~ shall be issued a copy of the guide at the time of certification at no cost to the accredited school.

(f) Institutions may offer to deliver the Telecommunicator Certification Course after the Commission has approved the institution's pre-delivery report documenting who will be teaching the blocks of instruction for each course offering. The pre-delivery report Form F-7A-T shall contain information on the name of the institution or agency hosting the course, the name of the school director, location, hours to be taught, schedule, number of students, and any hours of instruction in addition to those required by this Rule.

Authority G.S. 17E-4(a).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 37 – BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Nursing Home Administrators intends to adopt the rule cited as 21 NCAC 37B .0104, and amend the rules cited as 21 NCAC 37D .0604 and .0605.

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

Proposed Effective Date: *May 1, 2023*

Public Hearing:

Date: *January 25, 2023*

Time: *10:00 a.m.*

Location: *NC State Board of Examiners for Nursing Home Administrators, 3733 National Drive, Suite 110, Raleigh NC 27612*

Reason for Proposed Action: *The Board needed a rule to explain what forms of payments the Board accepts. The other two rules pertain to the National Exam ensuring we are maintaining the standards accepted across the nation concerning the passing points as well as the Domains of Practice/Subject Areas of study.*

Comments may be submitted to: *Martha N. Bell, 3733 National Drive, Suite 110, Raleigh, NC 27612; email nhaboard@ncbenha.org*

Comment period ends: *March 6, 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 (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 37B – DEPARTMENTAL RULES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 37B .0104 FEES

Fees may be paid in the form of check, money order, or cashier's check made payable to NC State Board of Examiners for Nursing Home Administrators or NCBENHA. Payments will be accepted by credit card through the Board's website only. All credit card payments will include a convenience/processing fee.

Authority G.S. 90-280.

SUBCHAPTER 37D - NEW LICENSES

SECTION .0600 – NATIONAL EXAM

21 NCAC 37D .0604 GRADE REQUIRED

Every candidate for a nursing home administrator's license shall be required to pass the licensing examinations ~~with a grade of at least 75 percent.~~ in accordance with the National Association of Long Term Care Administrator Boards guidelines.

Authority G.S. 90-285.

21 NCAC 37D .0605 SUBJECT AREAS

The national examination shall include, but need not be limited to, the following subjects:

- (1) ~~Resident Care and Quality of Life; Care, Services, and Supports;~~
- (2) ~~Human Resources; Operations;~~
- (3) ~~Finance; Environment and Quality; and~~
- (4) ~~Physical Environment and Atmosphere; Leadership and Strategy.~~
- (5) ~~Leadership and Management.~~

Authority G.S. 90-278; 90-285.

APPROVED RULES

*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 November 17, 2022 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

AGRICULTURE, BOARD OF

<u>Definitions</u>	02 NCAC 61 .0101*	36:20 NCR
<u>Authorized Sanitizing Processes</u>	02 NCAC 61 .0102*	36:20 NCR
<u>Recordkeeping for Sanitization</u>	02 NCAC 61 .0104*	36:20 NCR
<u>Storage of Secondhand or Previously-Used Materials</u>	02 NCAC 61 .0106*	36:20 NCR
<u>License Fees and Applications</u>	02 NCAC 61 .0109*	36:20 NCR
<u>Durable Materials for Tags</u>	02 NCAC 61 .0111*	36:20 NCR

STATE FIRE AND RESCUE COMMISSION

<u>Minimum Professional Qualifications</u>	11 NCAC 05B .0301*	37:01 NCR
--	--------------------	-----------

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Period of Suspension, Revocation, or Denial</u>	12 NCAC 10B .0205*	37:01 NCR
<u>Minimum Standards for Justice Officers</u>	12 NCAC 10B .0301*	37:01 NCR
<u>Documentation of Educational Requirement</u>	12 NCAC 10B .0302*	37:01 NCR
<u>Fingerprint Criminal History Records Check</u>	12 NCAC 10B .0303*	37:01 NCR
<u>Medical Examination</u>	12 NCAC 10B .0304*	37:01 NCR
<u>Background Investigation</u>	12 NCAC 10B .0305*	37:01 NCR
<u>Employment Interview</u>	12 NCAC 10B .0306*	37:01 NCR
<u>Criminal History Record</u>	12 NCAC 10B .0307*	37:01 NCR
<u>Verification of Records to the Division</u>	12 NCAC 10B .0408*	37:01 NCR
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC 10B .0410*	37:01 NCR
<u>Evaluation for Training Waiver</u>	12 NCAC 10B .0603*	37:02 NCR

PUBLIC HEALTH, COMMISSION FOR

<u>Definitions</u>	15A NCAC 18A .1301*	36:23 NCR
<u>Approval of Plans</u>	15A NCAC 18A .1302*	36:23 NCR
<u>Inspections</u>	15A NCAC 18A .1304*	36:23 NCR
<u>Grading Residential Care Facilities in Institutions</u>	15A NCAC 18A .1305*	36:23 NCR
<u>Public Display of Grade Card</u>	15A NCAC 18A .1306*	36:23 NCR
<u>Reinspections</u>	15A NCAC 18A .1307*	36:23 NCR
<u>Scoring System</u>	15A NCAC 18A .1308*	36:23 NCR
<u>Floors</u>	15A NCAC 18A .1309*	36:23 NCR
<u>Walls and Ceilings</u>	15A NCAC 18A .1310*	36:23 NCR
<u>Lighting and Ventilation</u>	15A NCAC 18A .1311*	36:23 NCR
<u>Toilet: Handwashing: and Bathing Facilities</u>	15A NCAC 18A .1312*	36:23 NCR
<u>Water Supply</u>	15A NCAC 18A .1313*	36:23 NCR
<u>Drinking Water Facilities: Ice Handling</u>	15A NCAC 18A .1314	36:23 NCR
<u>Liquid Wastes</u>	15A NCAC 18A .1315*	36:23 NCR
<u>Solid Wastes: Premises Medical Wastes</u>	15A NCAC 18A .1316*	36:23 NCR

APPROVED RULES

<u>Pest Control: Pesticides</u>	15A NCAC 18A .1317	36:23 NCR
<u>Medical Supplies</u>	15A NCAC 18A .1318*	36:23 NCR
<u>Furnishings and Laundry</u>	15A NCAC 18A .1319*	36:23 NCR
<u>Activity Kitchens, Rehabilitation Kitchens, and Nourishme...</u>	15A NCAC 18A .1320*	36:23 NCR
<u>Food Supplies</u>	15A NCAC 18A .1321*	36:23 NCR
<u>Food Protection in Activity Kitchens, Rehabilitation Kitc...</u>	15A NCAC 18A .1323*	36:23 NCR
<u>Employees</u>	15A NCAC 18A .1324*	36:23 NCR
<u>Incorporated Rules</u>	15A NCAC 18A .1327*	36:23 NCR

EDUCATION, STATE BOARD OF

<u>Charter Schools Application and Review Process</u>	16 NCAC 06G .0508*	37:03 NCR
---	--------------------	-----------

GENERAL CONTRACTORS, LICENSING BOARD FOR

<u>Classification</u>	21 NCAC 12A .0202*	37:04 NCR
<u>Application for Licensure</u>	21 NCAC 12A .0303*	37:04 NCR
<u>Application for Initial Approval of Continuing Education ...</u>	21 NCAC 12B .0201*	37:04 NCR

DENTAL EXAMINERS, BOARD OF

<u>Board Approved Examinations</u>	21 NCAC 16B .0303*	37:03 NCR
<u>Board Approved Examinations</u>	21 NCAC 16C .0303*	37:03 NCR

MEDICAL BOARD

<u>Petition for Rulemaking</u>	21 NCAC 32A .0115*	37:01 NCR
--------------------------------	--------------------	-----------

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

*Eff. April 1, 1984;
Amended Eff. January 1, 1988;
Transferred from 15A NCAC 18B .0201 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Amended Eff. December 1, 2022.*

02 NCAC 61 .0101 DEFINITIONS

The following definitions shall apply throughout the rules of this Chapter:

- (1) "Chemical Method" means a process accomplished by application of a disinfectant registered by the U.S. Environmental Protection Agency under 7 U.S.C. Chapter 125 SEC. 3. [136a] of the Federal Insecticide, Fungicide, and Rodenticide Act, and labeled as a disinfectant for bedding.
- (2) "Chief Financial Officer" means the officer or employee with primary bookkeeping responsibility for a business that manufactures, sanitizes, sells, or offers to sell bedding in this State.
- (3) "Division" means the Structural Pest Control and Pesticides Division of the N.C. Department of Agriculture and Consumer Services.
- (4) "Dry Heat Method" means a process accomplished by conduction, where heat is absorbed by the exterior surface of an item and then passed inward to the next layer.
- (5) "Person" means an individual, corporation, company, partnership, or other legal entity.

02 NCAC 61 .0102 AUTHORIZED SANITIZING PROCESSES

(a) Sanitization pursuant to G.S. 106-65.95 shall be done by one of three methods provided in the Rule: the dry heat process, the chemical method, or the washing process.

(b) The dry heat process may be used to sanitize secondhand mattresses, innersprings, or similar covered in whole or in part by a porous material or fabric. In order to properly sanitize using the dry heat process:

- (1) To be sanitized by the dry heat method, all items to be sanitized shall be placed upon a rack or other device which provides a minimum distance of six inches from the floor and in an arrangement that provides even distribution of heat throughout the items, and placed in a sealed chamber. All items to be sanitized shall be separated a minimum distance of six inches from the walls, floors, and ceilings of the chamber and every other item being sanitized. The temperature in the chamber shall be raised to 230 degrees Fahrenheit and that temperature shall be maintained for two hours.

History Note: Authority G.S. 106-65.107;

- (2) A thermometer accurate to within one-degree Fahrenheit shall be placed within the chamber during each dry heat process. The thermometer shall be visible and checked every 15 minutes by the operator of the chamber to ensure the chamber maintains the temperature set forth in Subparagraph (b)(1) of this Rule. Should the temperature fall below 230 degrees during the process, the dry heat process shall re-start for an additional two hours.

(c) No product shall be used in a manner inconsistent with its labeling or instructions in the sanitization process.

(d) The chemical method of sanitizing is authorized if performed in accordance with the requirements of this rule. Only those products evaluated and registered by the United States Environmental Protection Agency ('EPA') and the Division, as approved for use as disinfectants of articles of bedding shall be used. The product used must clearly state, on the label or on printed materials included on each container or package, detailed instructions for its use in disinfecting articles of bedding. No person shall use an unregistered product or use a registered product in a manner inconsistent with its labeling or these Rules in the sanitization process.

(e) In the washing process, the bedding shall be boiled for two hours with a soap or detergent. The product is considered sanitized after drying, and the bedding shall be free from dirt, marks, stains, or other offensive odors or materials.

History Note: Authority G.S. 106-65.107; Eff. April 1, 1984; Amended Eff. January 1, 1985; Transferred from 15A NCAC 18B .0202 Eff. May 1, 2012; Readopted Eff. January 1, 2021; Amended Eff. December 1, 2022.

02 NCAC 61 .0104 RECORDKEEPING FOR SANITIZATION

(a) A person who sanitizes as defined by G.S. 106-65.95(7), previously used material or bedding shall keep a record of the kind of material and bedding which has been sanitized.

(b) The record shall be retained on the business premises or with each mobile unit for two years and shall be made available for inspection by the Division upon request.

- (c) The record shall include the following:
- (1) the date of sanitization;
 - (2) the sanitization method used;
 - (3) the kind of materials and types of items sanitized;
 - (4) the unit number of bedding articles sanitized;
 - (5) a list of all chemicals, including EPA Reg. numbers, total amount applied per application used in the pre- and post-sanitizing process; and
 - (6) the name of the person and company performing the sanitization.

History Note: Authority G.S. 106-65.107; Eff. December 1, 2022.

02 NCAC 61 .0106 STORAGE OF SECONDHAND OR PREVIOUSLY-USED MATERIALS

When secondhand bedding or previously-used materials that have not been sanitized are stored in a bedding manufacturing establishment, a sanitizing business, a retail outlet, a distribution warehouse, and in the same room with new or sanitized bedding or bedding materials, the secondhand bedding or previously-used materials shall be segregated from the new or sanitized bedding or bedding materials:

- (1) by partitions that are free of holes, cracks, or other openings. The top of the partitions must be at least one foot higher than the level of the unsanitized materials; or
- (2) by complete separation by a minimum of six feet.

History Note: Authority G.S. 106-65.98; 106-65.107; Eff. April 1, 1984; Transferred from 15A NCAC 18B .0205 Eff. May 1, 2012; Readopted Eff. January 1, 2021; Transferred from 02 NCAC 61 .0105 Eff. December 1, 2022; Amended Eff. December 1, 2022.

02 NCAC 61 .0109 LICENSE FEES AND APPLICATIONS

(a) Applications for a license shall be on a form provided by the Division and shall contain the following information:

- (1) the name of the business;
- (2) the physical address for the plant or operation;
- (3) the name, title, mailing address, and telephone number and email address if available, for the contact person for the license;
- (4) the type of bedding units the business manufactures, sanitizes or renovates;
- (5) a physical sample of the tag, which the applicant shall use as required by G.S. 106-65.99 and 02 NCAC 61 .0110, and shall not include paper, photo, or electronic copies;
- (6) the current copy of the Uniform Registration Number certificate from the issuing state;
- (7) the signature of Chief Financial Officer.

(b) In addition to the information required in Paragraph (a) of this Rule, renewal applications shall also contain the following information:

- (1) the number of bedding units manufactured in North Carolina, but not sold in North Carolina;
- (2) the number of bedding units manufactured in North Carolina and sold in North Carolina;
- (3) the number of bedding units manufactured outside of North Carolina, or the United States, and sold in North Carolina;
- (4) Number of bedding units sanitized or renovated in North Carolina.

(c) The applicant shall submit a verification from the applicant's chief financial officer that he has examined the records of the applicant and that the information provided in accordance with G.S. 106-65.103 correctly reflects the information contained in the records of the applicant. However, based upon its review of an applicant's prior years' licensing submissions, or documentation

from its compliance monitoring inspections if the Division has reason to believe that the information provided is incomplete, misleading or incorrect, the Division may require the applicant to obtain a certification of the required information by an independent Certified Public Accountant licensed to practice in North Carolina.

(d) License renewal fees, in accordance with G.S. 106-65.103, shall be paid in full on March 1 of each year. Applicants who have not operated for a full calendar year may owe additional fees or be due a refund for the first year's operation. Application forms for making the determination of fee payment owed or refunded shall be furnished by the Division and shall include the information contained in Paragraph (a) of this Rule. When the requirements of G.S. 106-65.103(a) can be met, the option described by G.S. 106-65.103(b) will no longer be available to the applicant.

(e) Applicants who have gone out of business in the initial year of their operation and who have paid the license fee in accordance with G.S. 106-65.103 may request a refund for the remainder of the calendar year upon providing the number of the bedding units sold or manufactured in North Carolina during the operating portion of the calendar year as verified in writing by the Chief Financial Officer.

History Note: Authority G.S. 106-65.103; 106-65.107; Eff. April 1, 1984; Amended Eff. September 1, 1990; January 1, 1988; Transferred from 15A NCAC 18B .0209 Eff. May 1, 2012; Readopted Eff. January 1, 2021; Transferred from 02 NCAC 61 .0108 Eff. December 1, 2022; Amended Eff. December 1, 2022.

02 NCAC 61 .0111 DURABLE MATERIALS FOR TAGS

In addition to the requirements set forth in G.S. 106-65.99, identifying tags shall be of linen, muslin, white vellum cloth, or other durable material that will not flake when abraded or be torn. Paper or plastic face tags shall not be allowed. Tags shall be printed or stamped on one side only in colorfast black letters that will not fade or wash out. Tags shall be so located that the information contained thereon is visible to the purchaser at all times and shall be securely sewn to the bedding. The labeling requirements of other governmental units may appear on the tag.

History Note: Authority G.S. 106-65.99; 106-65.107; Eff. April 1, 1984; Amended Eff. January 1, 1988; Transferred from 15A NCAC 18B .0210 Eff. May 1, 2012; Readopted Eff. January 1, 2021; Transferred from 02 NCAC 61 .0110 Eff. December 1, 2022; Amended Eff. December 1, 2022.

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 05B .0301 MINIMUM PROFESSIONAL QUALIFICATIONS

History Note: Authority G.S. 58-2-40; 58-78-5(a)(14b); Eff. November 1, 1988; Repealed Eff. December 1, 2022.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 10B .0205 PERIOD OF SUSPENSION, REVOCATION, OR DENIAL

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

- (1) permanent where the cause of sanction is:
 - (a) commission or conviction of a felony;
 - (b) commission or conviction of a crime for which authorized punishment included imprisonment for more than two years; or
 - (c) the second revocation, suspension, or denial of an officer's certification for any of the causes requiring at least a five-year period of revocation, suspension, or denial as set out in Item (2) of this Rule.
- (2) not less than five years where the cause of sanction is:
 - (a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);
 - (b) material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. A material misrepresentation is a false representation of fact or omission of fact reported to or required to be reported to the Commission that if the true fact were known would have induced or caused the Commission to have treated the individual's certification or application for certification differently;
 - (c) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;
 - (d) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, aiding another in obtaining or attempting to obtain credit, training, or

certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Sub-Item also applies to obtaining or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700, .1800, .2000, or .2100;

- (e) failure to make either of the notifications as required by 12 NCAC 10B .0301(13);
- (f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (g) a positive result on a drug screen, refusal to submit to drug testing as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission, or refusal to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified.

The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
 - (a) failure to meet or satisfy relevant basic training requirements pursuant to Sections .0500, .0600, and .1300 of this Subchapter.
 - (b) failure to meet or maintain the minimum standards of employment or certification pursuant to 12 NCAC 10B .0301;
 - (c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;
 - (d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4) and (5); or
 - (e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

The Commission may either reduce or suspend the periods of sanction where revocation, denial, or suspension of certification is based upon a finding of a violation of 12 NCAC 10B .0204(d) or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This

authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

History Note: Authority G.S. 17E-4; 17E-7; 17E-9; Eff. January 1, 1991; Recodified from 12 NCAC 10B .0208 Eff. January 1, 1992; Amended Eff. January 1, 2013; January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 1995; January 1, 1994; January 1, 1993; January 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

Every justice officer employed or certified in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age for all deputies and detention officers or be at least 18 years of age for all telecommunicators;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 10B .0302;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 10B .0303;
- (5) have had a medical examination as required by 12 NCAC 10B .0304;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 10B .0410;
- (7) have been administered a psychological screening examination as in accordance with G.S. 17E-7. This psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have been interviewed as described in 12 NCAC 10B .0306;
- (9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 10B .0305;
- (10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307;
- (11) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 10B .2103 and .2104. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handguns and any other weapons that the applicant has been issued or authorized to use by the agency; and

- (12) be of good moral character as defined in: In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); In re Applicants for License 143 N.C. 1, 55 S.E. 635 (1906); and later court decisions.
- (13) make the following notifications:
- (a) within five business days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI).
 - (b) within five business days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order pursuant to G.S. 50B and any Civil No Contact Order pursuant to G.S. 50C that are issued by a judicial official against the officer;
 - (c) within five business days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
 - (d) within five business days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
 - (e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which

the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

- (14) The requirements of this Rule shall apply to all applications for certification and shall also apply at all times during which the justice officer is certified by the Commission.

History Note: Authority G.S. 17E-7;

Eff. January 1, 1989;

Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January 1, 1990;

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

Temporary Amendment Eff. January 1, 2022;

Amended Eff. January 1, 2023.

12 NCAC 10B .0302 DOCUMENTATION OF EDUCATIONAL REQUIREMENT

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

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

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. The Division's staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.

(d) The Division's staff shall evaluate high school diplomas earned through on-line or correspondence courses on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S.

Department of Education, the state department of education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.

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

History Note: Authority G.S. 17E-4; Eff. January 1, 1989; Amended Eff. January 1, 2019; January 1, 2008; August 1, 2000; January 1, 1992; January 1, 1990; Readopted Eff. August 1, 2019; Amended Eff. January 1, 2023.

12 NCAC 10B .0303 FINGERPRINT CRIMINAL HISTORY RECORDS CHECK

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

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

(c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints against state and federal files from the North Carolina State Bureau of Investigation. The employing agency shall retain the results of the criminal history records check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Pursuant to 12 NCAC 10B .0301(a)(4) an applicant for certification as a justice officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the result of the criminal history record check unitizing fingerprints.

History Note: Authority G.S. 17E-7; Eff. January 1, 1989; Amended Eff. August 1, 2000; January 1, 1993; January 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, or nurse practitioner, who is licensed to practice in North Carolina, or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S.C. 1094, to help determine his or her fitness to carry out the physical requirements of the position of justice officer.

(b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report Form (F-2A) attached to the Medical Examination Report Form (F-2).

(c) The "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice may be obtained, at no cost, at <https://ncdoj.gov/law-enforcement-training/sheriffs/>.

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

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

- (1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and
- (2) the agency submission of application for certification to the Commission.

(f) Forms:

- (1) Form F-1, Medical History Statement, is completed by an applicant and consists of the applicant's medical information, present and past physical condition, injuries, diseases, or operations.
- (2) Form F-2, Medical Examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination. The form consists of the applicant's biographical information, vision, hearing, cardiovascular and circulator health, urinalysis, TB skin test, other medical conditions relevant to the applicant's physical fitness to perform the duties of a justice officer, and the medical professional's recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice officer.

History Note: Authority G.S. 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 1996; January 1, 1993; January 1, 1991; January 1, 1990; Temporary Amendment Eff. March 1, 1998; Amended Eff. January 1, 2018; January 1, 2009; August 1, 2002; April 1, 2001; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0305 BACKGROUND INVESTIGATION

(a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The investigation shall examine the applicant's character traits and habits relevant to performance as a justice officer and shall determine whether the applicant is of good moral character pursuant to 12 NCAC 10B .0301(a)(12). This examination includes completion of the Commission's Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3) and give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with prior experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) and shall include in the report of investigation:

- (1) biographical data;
- (2) family data;
- (3) scholastic data;
- (4) employment data;
- (5) criminal history data;
- (6) interviews with the applicant's references; and
- (7) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3). This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.

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

(e) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

(f) Forms

- (1) Form F-3, the (Personal History Statement), is completed by the applicant and consists of information regarding the applicant's work, residential, military, criminal history, financial condition, and references.
- (2) Form F-8, Background Summary, consists of the applicant for certification's biographical

data, family data, scholastic data, employment data, criminal history, interviews and references, and a summary of the background investigator's findings.

History Note: Authority G.S. 17E-7;

Eff. January 1, 1989;

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

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

Amended Eff. January 1, 2023; June 1, 2021.

12 NCAC 10B .0306 EMPLOYMENT INTERVIEW

(a) Prior to employment, the employing agency shall conduct an interview of the applicant to determine the applicant's knowledge, skills, and abilities for success as a justice officer.

(b) The sheriff or agency head may conduct the interview personally or delegate the responsibility to a qualified staff member or panel, who is competent, whether by education, training, or experience, to conduct the employment interview. The respective agency head identifies those individuals he or she deems qualified.

History Note: Authority G.S. 17E-7;

Eff. January 1, 1989;

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

Amended Eff. January 1, 2023.

12 NCAC 10B .0307 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 10B .0204, every justice officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

- (1) a felony;
- (2) a crime for which the punishment could have been imprisonment for more than two years;
- (3) a crime or unlawful act defined as a "Class B Misdemeanor" which occurred after the date of appointment;
- (4) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of appointment;
- (5) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction or commission;
- (6) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the applicant can be employed if the last conviction or commission occurred more than two years prior to the date of appointment;
- (7) a combination of four or more "Class A or B Misdemeanors" regardless of the date; or
- (8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922 (g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 10B .0103(16) defines "Commission" as a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

History Note: Authority G.S. 17E-7; Eff. January 1, 1989; Amended Eff. August 1, 2002; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) Prior to issuing certification of each justice officer, for the purpose of verifying compliance with these Rules, the employing agency shall submit to the Division, along with the Report of Appointment (F-4), the following documents:

- (1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to 12 NCAC 10B .0302(a);
- (2) certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) the applicant's Medical History Statement (F-1);
- (4) the applicant's Medical Examination Report (F-2 and F-2A);
- (5) the applicant's notarized Personal History Statement (F-3);
- (6) the Commission-mandated Background Investigation Form (F-8) with all accompanying documentation set out in 12 NCAC 10B .0305;
- (7) documentation of negative results on a drug screen pursuant to 12 NCAC 10B .0301(6); and
- (8) documentation of the applicant's compliance with the probationary certification requirements pursuant to 12 NCAC 10B .0403(b), if the applicant is a deputy sheriff or a detention officer and is authorized by the agency to carry a firearm.

(b) Compliance with this Rule is waived, with the exception of the requirements of 12 NCAC 10B .0408(a)(8), for officers applying for dual certification as defined in 12 NCAC 10B .0103(12) provided that:

- (1) the officer holds a valid certification issued by this Commission, as either a deputy sheriff, detention officer, or telecommunicator with the employing agency requesting dual certification; and

- (2) the officer has continuously been employed as a justice officer with the agency.

(c) Where the Division has previously received a complete Background Investigation Form (F-8) with all accompanying documentation set out in 12 NCAC 10B .0305 in connection with another application for certification to this Commission, the Background Investigation need only be updated from the date of the last background investigation on file in the Division with documentation of compliance with 12 NCAC 10B .0305(e)(1), (2), (3), and a certified criminal record check from each jurisdiction in which the person has resided in and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy. In addition:

- (1) if the applicant has been issued an out-of-state driver's license by a state other than North Carolina since obtaining certification, then compliance with 12 NCAC 10B .0408(f)(4), is required; and
- (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a certified criminal record check from each jurisdiction shall be provided, if available. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy.

(d) If the Personal History Statement (F-3) required in Subparagraph (a)(5) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.

(e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(6) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8) shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background Investigation Form (F-8), must be completed.

(f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:

- (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;
- (2) the national criminal record database accessible through the Division of Criminal Information (DCI) network;

- (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina; and
- (4) an out-of-state motor vehicles check obtained through the Division of Criminal Information or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license within the 10 year period prior to the date of appointment.

(g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

- (1) where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;
- (2) where the applicant resided in another country:
 - (A) an Interpol records check shall be acceptable provided the country is a member of Interpol;
 - (B) if the applicant was in the United States military, a military records check shall be acceptable; or
 - (C) if neither an Interpol or United States military record check are available, subject to the limits of United States and North Carolina law, the employing agency shall make a good faith effort to obtain a records check from the national law enforcement authority, judicial authority, or other governmental entity charged with maintaining criminal records for the country where the applicant resided and submit the record check if available. If the employing agency cannot obtain the records check it must submit documentation consisting of the correspondence with the foreign governmental entity and a written report from the assigned background investigator explaining the employing agency's efforts to obtain the record and why the record could not be obtained. The following steps are required to show a good faith effort to obtain the record check:
 - (i) contacting and requesting the record from the foreign governmental entity or entities the employing agency believes are likely to possess the records by mail, telegram, telephone, facsimile or electronic mail;
 - (ii) if referred to another foreign governmental entity, contacting and requesting the

- (iii) record from that foreign governmental entity; and if requested, providing and submitting any formal requests, forms, or documentation required by the foreign governmental entity before it will provide the record check;

(3) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information using the Out-of-State Computer Name Query (IQ) shall be acceptable provided the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, telegram, facsimile, or electronic mail, or a records check from the county-wide or state-wide record holding agency shall be acceptable.

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

(i) All records checks shall be performed on each name by which the applicant for certification has ever been known since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the age of 12 years of age, then a copy of the legal document effecting the name change with either a raised seal or other visible verification that the document is an authentic copy from the governmental entity that issued the document or is charged with maintaining the record of the document shall be submitted by the employing agency.

(j) The employing agency shall forward to the Division certified copies of any criminal charges and dispositions known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify any charges or other violations on the records checks required in Paragraph (f) of this Rule that are for individuals other than the applicant for certification and explain why the employing agency believes another individual is responsible for the charge or violation.

(k) Forms:

- (1) Form F-1, Medical History Statement, is completed by an applicant and shall contain the applicant's medical information, present and past physical condition, injuries, diseases, or operations.
- (2) Form F-2, Medical Examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination. The form shall contain of the applicant's biographical information, vision, hearing, cardiovascular and circulator health, urinalysis, TB skin test, other medical

- conditions relevant to the applicant's physical fitness to perform the duties of a justice officer, and the medical professional's recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice officer.
- (3) Form F-3, the (Personal History Statement), is completed by the applicant and shall contain information regarding the applicant's work, residential, military, criminal history, financial condition, and references.
 - (4) Form F-4 and F-4T, Report of Appointment, is completed by the reporting agency for the appointment of justice officers and shall contain a checklist indicating the applicant's progress toward completing the requirements for certification, the applicant appointment date, position title and status, the applicant's contact information, and prior certification history.
 - (5) Form F-8, Background Summary, shall contain the applicant for certification's biographical data, family data, scholastic data, employment data, criminal history, interviews and references, and a summary of the background investigator's findings.

- (3) document the collection, storage, and processing of the specimen for testing purposes. the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
- (5) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment; and
- (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991; Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 2002; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0410 AGENCY REPORTING OF DRUG SCREENING RESULTS

- (a) Every justice officer shall produce a negative result on a drug screen administered according to the following specifications:
 - (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
 - (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider the laboratory utilize federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff shall

- (b) Each agency that is required to report individuals to the Commission for certification, or that voluntarily reports telecommunicators to the Commission for certification, shall report in writing to the Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result has been explained by the applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, the positive results are not required to be reported.
- (c) Each agency that is required to report individuals to the Commission for certification, or that voluntarily reports telecommunicators to the Commission for certification, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician to the extent the drug screen conducted conforms to the specifications of this Rule.
- (d) For reporting purposes, a result is considered "positive" only in the cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and adopted by reference in this Rule.
- (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
- (f) All written reports required to be submitted to the Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a

copy of the drug screen panel with the results of the medical officer review.

History Note: Authority G.S. 17E-4; 17E-7; Eff. July 1, 1990; Recodified from 12 NCAC 10B .0409 Eff. January 1, 1991; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. January 1, 2023.

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this Section.

(b) The Division shall use the following to evaluate a detention officer's training and experience to grant a training waiver:

- (1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.
- (2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.
- (3) Persons who separated from a detention officer position during the probationary period without completion of a commission-certified Detention Officer Certification Course, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (4) Persons holding General Justice Officer Certification as a detention officer pursuant to 12 NCAC 10B .0404 who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one year shall complete a subsequent commission-

certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

(5) Persons holding Grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

(6) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention officer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission are subject to evaluation of their prior training and experience on an individual basis. The Division shall review the training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any is required under Rule .0601.

- (c) The Division shall grant a training waiver to individuals that:
- (1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;
 - (3) is an applicant for justice officer certification as a detention officer certification through a sheriff's office or a district confinement facility; and
 - (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Applicants that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section. During this probationary period, they must take and successfully complete the State Comprehensive Examination in its entirety as set forth in 12 NCAC 10B .0606 after completing the following topic areas in a commission-certified Detention Officer Certification Course:

Orientation	3 hours
Legal Aspects of Management & Supervision	14 hours
Medical Care in the Jail	6 hours
Investigative Process in the Jail	8 hours
Criminal Justice System	2 hours
Introduction to Rules and	

Regulations Governing Jails	2 hours
Subject Control Techniques	32 hours
TOTAL HOURS	67 hours

- (d) The Division shall grant a waiver to individuals that:
- (1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) completed training as a correctional officer after August 1, 2002;
 - (3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and
 - (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the course curriculum of the correctional officer training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of this Section. Based upon topics covered in the basic correctional officer training course, and the Division shall determine if additional training is required to ensure the applicant has received training comparable to that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting training requirements, if any, and the officer shall take and successfully complete the State Comprehensive Examination as set forth in 12 NCAC 10B .0606 in its entirety during the probationary period after completing any training as determined to be necessary by the training evaluation referenced in this section, in a commission-certified Detention Officer Certification Course.

(e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy pursuant to 12 NCAC 10B .0402 or general justice officer certification as a deputy pursuant to 12 NCAC 10B .0404, with the North Carolina Sheriffs' Education and Training Standards Commission; or a law enforcement officer that has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice Education and Training Standards Commission, shall be granted a training waiver pursuant to this Section provided the individual:

- (1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12 NCAC 09B .0205;
- (2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year.

- (3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
- (4) takes and successfully complete the State Comprehensive Examination for the Detention Officer Certification Course in its entirety as set forth in 12 NCAC 10B .0606 during that probationary period; and
- (5) completes the following topic areas in a full delivery of a commission-certified Detention Officer Certification Course:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. February 1, 2014; August 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. December 1, 2022.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 18A .1301 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Activity kitchen" means a kitchen that is available to residents of an institution and their guests for the purpose of preparing food for individual or group activities. Nothing in this Section shall prohibit residents or employees of a residential care facility, as that term is defined at 15A NCAC 18A .1601 or their guests from using an activity kitchen when an institution's activity kitchen is in the same building where a residential care facility is located.

- (2) "Administrator" means the person designated by the licensee to be responsible for the daily operation of the institution.
- (3) "Ancillary kitchen" means a kitchen that is used by the institution's employees for meal preparation and other work to support the dietary kitchen. Ancillary kitchens shall meet the requirements of 15A NCAC 18A .2600.
- (4) "Bed linens" means bed sheets, pillowcases, mattress covers, blankets, and duvets covers.
- (5) "Clean" means that an object or surface has been made free of garbage, solid waste, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- (6) "Department" means the North Carolina Department of Health and Human Services.
- (7) "Dietary kitchen" means the primary kitchen in the institution that is used to provide meals and nutrition services to the institution's residents, employees, and guests. Dietary kitchens shall meet the requirements of 15A NCAC 18A .2600.
- (8) "Disinfect" means a non-sporicidal process used on inanimate surfaces to destroy or irreversibly inactivate fungi, viruses, and bacteria by using an EPA registered disinfectant in accordance with the disinfectant's product label.
- (9) "EPA registered disinfectant" means a disinfectant as defined at 40 C.F.R. 158.2203 that has been registered with the United States Environmental Protection Agency ("EPA") in accordance with 40 C.F.R. 152, which are hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at <https://www.ecfr.gov/>.
- (10) "Garbage" means as defined at G.S. 130A-290(7).
- (11) "Good repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall operate in accordance with the manufacturer's instructions.
- (12) "Hand Hygiene Program" means a written plan implemented in an institution in the absence of hand washing facilities as set forth in this Section. The licensee or the licensee's designee shall submit the hand hygiene program plan to the local health department for the county in which the institution is located, serving as the regulatory authority, for approval prior to implementing the hand hygiene program. The regulatory authority shall notify the institution or the institution's designee in writing of the decision to approve or not to approve the hand hygiene program plan. In determining whether to approve the hand hygiene program, the regulatory authority shall consider the following:
 - (a) the type and frequency of activities carried out at the institution that involve employee or resident contact with bodily fluids or secretions; and
 - (b) the number of handwashing facilities on each wing or floor of an institution's building or buildings.
- (13) "Institution" means the following establishments that provide room or board and for which a license or certificate of payment must be obtained from the Department:
 - (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation facilities;
 - (b) nursing home, as defined in G.S. 131E-101;
 - (c) an establishment, other than a hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical, behavioral, or mental health conditions;
 - (d) adult care home, as defined at G.S. 131D-2.1;
 - (e) residential child care facility, as defined at G.S. 131D-10.2(13); and
 - (f) facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1).

This term shall not include a child care facility as defined in G.S. 110-86(3), an adult day service facility as defined in 15A NCAC 18A .3300, or a residential care facility as defined in 15A NCAC 18A .1600.
- (14) "Licensing agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation.
- (15) "Linens" means bath towels, hand drying towels, and bed linens.
- (16) "Local health department" means as defined in G.S. 130A-2(5).
- (17) "Non-community water supply" means a noncommunity water system as defined at G.S. 130A-313(10).
- (18) "Nourishment station" means an area where commercially packaged food that is used to provide nourishment to an institution's residents, employees, or guests is stored.
- (19) "Pest" means as defined at G.S. 143-460(26a).
- (20) "Pest harborage" means any condition that provides water or food and shelter for pests.
- (21) "Refuse" means as defined at G.S. 130A-290(28).
- (22) "Registered Environmental Health Specialist" or "REHS" means as defined at G.S. 90A-51(4).
- (23) "Regulatory authority" means the Department or authorized agent of the Department.
- (24) "Rehabilitation kitchen" means a kitchen used solely for the purpose of providing supervised therapeutic activities to residents, including

occupational or physical therapy. Food prepared in a rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic activity being conducted in the rehabilitation kitchen.

- (25) "Resident" means an individual residing in or being served by the institution, including patients. This term does not include an institution's employees or a resident's guests.
- (26) "Sanitize" means as defined in Part 4-7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654.
- (27) "Solid waste" means as defined at G.S. 130A-290(35).
- (28) "Time/Temperature Control for Safety Food" or "TCS Food" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (29) "Yard trash" means as defined at G.S. 130A-290(45).

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1, 1990; March 1, 1988;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1302 APPROVAL OF PLANS

Construction documents, as defined in 10A NCAC 13B .3001, for an institution shall be submitted by the licensee to the local health department for the county in which the institution is located, serving as the regulatory authority, for review and approval before beginning construction. Construction documents shall be approved by the regulatory authority when the plans comply with the Rules of this Section.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); April 1, 1997; September 1, 1990; June 30, 1980;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1304 INSPECTIONS

(a) Institutions shall be inspected once in a six month period by the local health department for the county in which the institution is located, serving as the regulatory authority. Dietary kitchens within institutions shall be inspected in accordance with G.S. 130A-235(a1) or 10A NCAC 46 .0213, as applicable.

(b) The inspection of institutions shall be documented on inspection forms furnished by the Department to local health departments. The form shall contain the following information:

- (1) the name and address of the institution;
- (2) the name of the licensee;

- (3) an explanation for all points deducted during the inspection and scoring;
- (4) the institution's score calculated in accordance with Rule .1308 of this Section;
- (5) the signature of the Registered Environmental Health Specialist who conducted the inspection; and
- (6) the date on which the inspection was conducted.

(c) The inspection of dietary kitchens, ancillary kitchens, and areas for dining associated with the dietary kitchen or ancillary kitchen shall be documented separately using the inspection forms and grading system specified in 15A NCAC 18A .2661 and .2662. Dietary kitchens, ancillary kitchens, and areas for dining associated with the dietary kitchen or ancillary kitchen in operation before March 1, 2003 shall be allowed to continue to use equipment and construction in use on that date if no imminent hazard as defined at G.S. 130A-2(3) exists. When such equipment is replaced, the replacement equipment shall comply with 15A NCAC 18A .2654.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; June 30, 1980;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1305 GRADING RESIDENTIAL CARE FACILITIES IN INSTITUTIONS

When an institution is located in the same building or on contiguous parcels of land as one or more residential care facilities that provide room or board for 12 persons or fewer, the residential care facilities shall be inspected and graded separately from the institution and in accordance with 15A NCAC 18A .1600.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1306 PUBLIC DISPLAY OF GRADE CARD

(a) When an institution is inspected, the regulatory authority shall designate the location where the grade card shall be posted. The grade card shall be located where the public has an unobstructed view of the grade card upon entering the institution. The posted grade card shall be black text on a white background. The section of text on the grade card that lists the numeric score and the alphabetic grade shall be 1.5 inches in height.

(b) When an institution is inspected, the regulatory authority shall remove any existing grade card, issue a new grade card, and post the new grade card in accordance with Paragraph (a) of this Rule. The administrator shall keep the grade card posted at the designated location at all times.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); July 1, 1986; Readopted Eff. December 1, 2022.

15A NCAC 18A .1307 REINSPECTIONS

The administrator may request a reinspection for the purpose of raising the alphabetical grade. If the administrator requests a reinspection for the purpose of raising the alphabetical grade, the regulatory authority shall conduct a reinspection in accordance with the rules of this Section. The administrator shall submit the request for reinspection to the local health department, serving as the regulatory authority, for the county in which the institution is located. The regulatory authority shall make an unannounced inspection within 30 calendar days from the date on which the request for reinspection is made. The alphabetical grade that is assessed based on the reinspection shall replace the institution's most recently assessed alphabetical grade. Following a reinspection, a new grade card shall be issued and posted in accordance with Rule .1306 of this Section.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); Readopted Eff. December 1, 2022.

15A NCAC 18A .1308 SCORING SYSTEM

(a) The grading of all institutions shall be based on a sanitation system of scoring as follows:

- (1) institutions receiving a score of 90 percent or greater shall be awarded Grade A;
- (2) institutions receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B;
- (3) institutions receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C; and
- (4) institutions receiving a score of less than 70 percent do not meet the minimum sanitation standards and shall not receive a grade.

(b) If an institution or an institution's dietary kitchen fails to earn a sanitation score of at least 70 percent, the regulatory authority shall notify the licensing agency within 24 hours of completing the inspection and shall provide a copy of the inspection report to the licensing agency within two business days of the date of the inspection.

(c) The sanitation score is a percentage determined by deducting points from 100 for each item found not to be in compliance with the rules of this Section. Deductions for sanitation scores shall be based on violations of the Rules of this Section that are observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction based on the severity or the recurring nature of the rule violation. The percentage point value of each item is determined as follows:

- (1) Violation of Rule .1309 of this Section regarding the cleanliness and repair of floors and carpet shall equal no more than two points.

- (2) Violation of Rule .1310(a) of this Section regarding walls and ceilings shall equal no more than two points.
- (3) Violation of Rule .1310(b) of this Section regarding ceiling attachments shall equal no more than one point.
- (4) Violation of Rule .1311(a) of this Section regarding lighting levels shall equal no more than one point.
- (5) Violation of Rule .1311(b) of this Section regarding cleanliness of ventilation equipment shall equal no more than one point.
- (6) Violation of Rule .1311(c) of this Section regarding ambient air temperatures shall equal no more than two points.
- (7) Violation of Rule .1312(a) of this Section regarding toilet, handwashing, and bathing facilities shall equal no more than two points.
- (8) Violation of Rule .1312(b) of this Section regarding storage and signage shall equal no more than one point.
- (9) Violation of Rule .1312(c) of this Section regarding bedpans, urinals, bedside commodes, and emesis basins shall equal no more than one point.
- (10) Violation of Rule .1312(d) of this Section regarding handwashing facilities shall equal no more than three points.
- (11) Violation of Rule .1312(e) of this Section regarding disinfectants shall equal no more than two points.
- (12) Violation of Rule .1312(f) of this Section regarding bathing facilities shall equal no more than three points.
- (13) Violation of Rule .1313(a) of this Section regarding water supply shall equal no more than four points.
- (14) Violation of Rule .1313(b) of this Section regarding water sampling shall equal no more than two points.
- (15) Violation of Rule .1313(c) of this Section regarding cross-connections shall equal no more than two points.
- (16) Violation of Rule .1313(d) of this Section regarding hot and cold water shall equal no more than three points.
- (17) Violation of Rule .1313(e) of this Section regarding back up water supply plans shall equal no more than one point.
- (18) Violation of Rule .1314(a) of this Section regarding cleaning and maintenance of drinking fountains shall equal no more than one point.
- (19) Violation of Rule .1314(b) of this Section regarding utensils used for service of water and ice shall equal no more than two points.
- (20) Violation of Rule .1314(c) of this Section regarding protection of ice shall equal no more than two points.

- | | |
|---|---|
| <p>(21) Violation of Rule .1315(a) of this Section regarding sewage disposal shall equal no more than four points.</p> <p>(22) Violation of Rule .1315(b) of this Section regarding disposal of mop water shall equal no more than three points.</p> <p>(23) Violation of Rule .1316(a) of this Section regarding solid waste storage shall equal no more than one point.</p> <p>(24) Violation of Rule .1316(b) of this Section regarding refuse, recyclables, and returnables shall equal no more than one point.</p> <p>(25) Violation of Rule .1316(c) of this Section regarding containers and container washing facilities shall equal no more than one point.</p> <p>(26) Violation of Rule .1316(d) of this Section regarding cleaning and maintenance of the premises shall equal no more than two points.</p> <p>(27) Violation of Rule .1316(e) of this Section regarding handling and disposal of medical waste shall equal no more than two points.</p> <p>(28) Violation of Rule .1317(a) of this Section regarding pest control shall equal no more than one point.</p> <p>(29) Violation of Rule .1317(b) of this Section regarding storage and handling of pesticides shall equal no more than two points.</p> <p>(30) Violation of Rule .1318(a) of this Section regarding medication carts shall equal no more than two points.</p> <p>(31) Violation of Rule .1318(b) of this Section regarding feeding bags, tubes, syringes, and oral suction catheters shall equal no more than two points.</p> <p>(32) Violation of Rule .1319(a) of this Section regarding furnishings shall equal no more than one point.</p> <p>(33) Violation of Rule .1319(b) of this Section regarding linens and linen storage shall equal no more than one point.</p> <p>(34) Violation of Rule .1319(c) of this Section regarding sanitizing of laundry shall equal no more than three points.</p> <p>(35) Violation of Rule .1319(d) of this Section regarding laundry shall equal no more than one point.</p> <p>(36) Violation of Rule .1319(e) of this Section regarding laundry areas shall equal no more than one point.</p> <p>(37) Violation of Rule .1319(f) of this Section regarding mobility equipment shall equal no more than one point.</p> <p>(38) Violation of Rule .1320(a) of this Section regarding food service equipment shall equal no more than one point.</p> <p>(39) Violation of Rule .1320(b) of this Section regarding cleaning and sanitization of utensils shall equal no more than three points.</p> | <p>(40) Violation of Rule .1320(c) of this Section regarding handwashing facilities shall equal no more than two points.</p> <p>(41) Violation of Rule .1320(d) of this Section regarding cooking and baking equipment surfaces shall equal no more than one point.</p> <p>(42) Violation of Rule .1321(a) of this Section regarding food sources and supplies shall equal no more than three points.</p> <p>(43) Violation of Rule .1321(b) of this Section regarding storage, labeling, and condition of food shall equal no more than one point.</p> <p>(44) Violation of Rule .1323(a) of this Section regarding food protection shall equal no more than four points.</p> <p>(45) Violation of Rule .1323(b) of this Section regarding hot and cold food holding equipment shall equal no more than one point.</p> <p>(46) Violation of Rule .1323(c) of this Section regarding food storage shall equal no more than one point.</p> <p>(47) Violation of Rule .1323(d) of this Section regarding live animals shall equal no more than two points.</p> <p>(48) Violation of Rule .1324(a) of this Section regarding employee clothing shall equal no more than two points.</p> <p>(49) Violation of Rule .1324(a)(1)-(5) of this Section regarding employee handwashing shall equal no more than three points.</p> <p>(50) Violation of Rule .1324(b) of this Section regarding employee handwashing shall equal no more than three points.</p> <p>(51) Violation of Rule .1324(c) of this Section regarding exclusion of persons with certain diseases and conditions from food service work shall equal no more than four points.</p> <p>(52) Violation of Rule .1324(d) of this Section regarding cleaning supplies and written procedures for responding to vomiting or diarrheal events shall equal no more than two points.</p> <p><i>History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. February 1, 2004; August 1, 2002; Readopted Eff. December 1, 2022.</i></p> <p>15A NCAC 18A .1309 FLOORS</p> <p>(a) Except as permitted by Paragraph (b) of this Rule, the floors in an institution shall be made of smooth, non-absorbent materials and shall be kept clean and in good repair.</p> <p>(b) Notwithstanding the foregoing in Paragraph (a) of this Rule, carpet is permitted if it is kept clean, odor free, and in good repair.</p> <p><i>History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977;</i></p> |
|---|---|

Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1310 WALLS AND CEILINGS

- (a) The interior walls of the institution, including doors, windows and window trim, and ceilings shall be kept clean and in good repair.
- (b) Light fixtures, fans, conduits, and heating, ventilation, and air conditioning vents shall be kept clean and in good repair.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160);
Readopted Eff. December 1, 2022.

15A NCAC 18A .1311 LIGHTING AND VENTILATION

- (a) The areas interior to an institution's building or buildings shall be equipped with at least 10 foot candles of light at 30 inches above the floor.
- (b) Ventilation equipment shall be kept clean and in good repair.
- (c) Ambient indoor air temperatures shall be maintained at or below 85 degrees Fahrenheit.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986; October 1, 1985;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1312 TOILET: HANDWASHING: AND BATHING FACILITIES

- (a) All institutions shall provide toilet, handwashing, and bathing facilities that are available for use by residents and staff. These facilities shall be kept clean and in good repair.
- (b) Bathrooms shall not be used for storage of items not currently in use. A sign shall be posted in each toilet room for institution employees directing them to wash their hands after each visit to the toilet room and before returning to work.
- (c) Institutions where bedpans, bedside commodes, urinals, or emesis basins are used shall provide facilities for emptying, cleaning, and disinfecting bedpans, bedside commodes, urinals, and emesis basins. Bedpans, bedside commodes, urinals, shared diaper changing surfaces, and emesis basins that have been used by a resident shall be kept clean and shall be disinfecting before use by other residents. When disposable bedpans, emesis basins, and urinals are reused, they shall be labeled so that they are associated with an individual resident. Disposable bedpans, emesis basins, and urinals shall not be used by more than one resident.
- (d) Handwashing facilities shall be located in an institution in accordance with 10A NCAC 13B .5411, 10A NCAC 13D .3201, 10A NCAC 13F .0305, .1304, and 10A NCAC 13K .1109, .1204, as applicable. Institutions that do not have a handwashing facility located in all areas required by this Paragraph shall not be required to install handwashing facilities if the institution has an approved hand hygiene program. Hand washing facilities shall be equipped

with running water and a tempering device. Handwashing facilities shall be supplied with soap and disposable towels or hand-drying devices. Handwashing facilities shall be used only for handwashing and shall not be used for disposal of bodily fluids or washing items that are not clean. Notwithstanding the foregoing sentence, handwashing facilities provided for use in a resident's room may be used for personal hygiene, rinsing feeding tubes, obtaining drinking water, and disposal of medications in accordance with the manufacturer's instructions or non-TCS liquids as long as the handwashing facility is kept clean and is disinfected daily. Employees shall be permitted to use handwashing facilities to dispose of medications in accordance with the manufacturer's instructions.

(e) EPA registered disinfectants shall be used in accordance with the manufacturer's instructions. When EPA registered disinfectants are mixed and prepared by institution employees, a measuring device, chemical testing device, or the methods and devices prescribed by the chemical manufacturer shall be used to prepare the concentration of chemicals in accordance with the disinfectant's label and the manufacturer's instructions.

(f) Bathing facilities shall be equipped with running water and a tempering device. Bathing equipment that has contact with a resident's skin and is used by more than one resident shall be kept clean and shall be disinfected between resident uses. Equipment located within a bathing facility that uses a pump to move water shall be kept clean in accordance with the manufacturer's instructions.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004;
Readopted Eff. December 1, 2022.

15A NCAC 18A .1313 WATER SUPPLY

- (a) Water supplies at institutions shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable.
- (b) In institutions that use a non-community water supply, a sample of water shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 to perform bacteriological examinations.
- (c) An institution's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).
- (d) Institutions shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations. Hot water shall be provided at temperatures between 105 degrees Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities.
- (e) The administrator shall immediately notify the licensing agency and the local health department that serves the county in which the institution is located if the institution's primary water supply is interrupted for more than four consecutive hours. The institution shall have a written plan to obtain a backup water supply in the event that the institution's primary water supply is

interrupted for more than four consecutive hours. The written plan shall identify a backup water supply or alternate source of water that provides two liters of potable water per day per resident and institution employee for drinking and potable water for food preparation, hand washing, bathing, cleaning, dishwashing, laundry, and disposal of bodily waste. This may include a plan for relocating residents to a facility with a water supply that satisfies Paragraph (a) of this Rule. If an institution's primary water supply or back up water supply becomes unsafe for human consumption then the water sources within the institution, such as sink faucets, shall be labeled or hooded to prevent their use and the administrator shall provide potable water for use by the institution's residents and employees.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986; Temporary Amendment Eff. June 1, 2003; Amended Eff. February 1, 2004; Readopted Eff. December 1, 2022.

15A NCAC 18A .1314 DRINKING WATER FACILITIES: ICE HANDLING

- (a) Drinking fountains shall be kept clean and in good repair.
- (b) Multi-use utensils for service of water and ice shall be kept clean and in good repair and shall be sanitized before being provided to a resident for use. Disposable, single service utensils shall be used by only one person.
- (c) Ice shall be protected against physical, chemical, and biological contamination and shall be kept clean. Ice machines, buckets, and scoops shall be kept clean and in good repair. Ice machines and storage chests accessible to residents, guests, or the public shall provide ice through automatic ice dispensing equipment and shall not permit ice to be accessed using a scoop or bucket.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; Readopted Eff. December 1, 2022.

15A NCAC 18A .1315 LIQUID WASTES

- (a) All sewage originating from the institution shall be disposed of using a publicly operated sewage treatment plant or an individual sewage disposal system that meets the requirements of Section .1900 of this Subchapter.
- (b) Mop basins or mop sinks shall only be used to wash mops and dispose of the water used for mopping.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Amended Eff. July 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;

Readopted Eff. December 1, 2022.

15A NCAC 18A .1316 SOLID WASTES: PREMISES MEDICAL WASTES

- (a) All solid wastes containing food scraps or other putrescible materials shall be kept in leak-proof, non-absorbent containers which shall be kept covered with tight-fitting lids when not in use.
- (b) Refuse, recyclables, and returnables shall be stored in containers, rooms, or areas designated for the storage of refuse, recyclables, and returnables.
- (c) The designated rooms and containers described in Paragraph (b) of this Rule shall have the capacity to store the institution's refuse, recyclables, and returnables and shall be kept clean. Cleaning facilities for containers used to store food scraps, putrescible materials, refuse, recyclables, and returnables shall be provided.
- (d) An institution's exterior premises, including parking lots, lawns, and walkways, and interior premises within the institution's building or buildings, shall be kept free of garbage, solid waste, yard trash, and pest harborages.
- (e) Medical wastes shall be handled and disposed of as required in North Carolina "Solid Waste Management Rules" 15A NCAC 13B .1200.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; Readopted Eff. December 1, 2022.

15A NCAC 18A .1317 PEST CONTROL: PESTICIDES

- (a) Pests shall not be present in an institution's building or buildings. Openings to the outside of an institution's building or buildings shall be equipped with self-closing doors that are flush with the door frame when closed, closed windows, window screening on windows that can be opened, or controlled air currents to prevent pests from entering the building or buildings.
- (b) Only pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used to control pests. Pesticides shall be used, handled, and stored in accordance with the instructions on the manufacturer's label.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; Readopted Eff. December 1, 2022.

15A NCAC 18A .1318 MEDICAL SUPPLIES

- (a) Medication carts shall be kept clean. Food, utensils, medications, and equipment used on medication carts shall be kept clean. Sharps containers located on medication carts shall be attached or secured to the medication cart to prevent the sharps contained from spilling.
- (b) Feeding bags, tubes, syringes, and oral suction catheters shall be stored and used in accordance with the manufacturer's instructions.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160);
 Readopted Eff. December 1, 2022.

15A NCAC 18A .1319 FURNISHINGS AND LAUNDRY

(a) Furnishings in an institution, including furniture, curtains, rugs, and blinds, shall be kept clean and in good repair. Mattresses shall be kept clean, dry, and in good repair.

(b) Bed linens that are provided by the institution for use by residents shall be free from holes and tears. A resident's bed linens shall be changed when no longer clean. Linens that are not clean shall be placed in a covered container or bag devoted to this purpose at the point of use and stored in the covered container or bag until sanitized in accordance with Paragraph (c) of this Rule to contain and minimize aerosolization of and exposure to any waste products. Such covered containers or bags shall be kept clean between uses and labeled to indicate the contents. Linens that are not clean shall be handled and stored separately from cleaned and sanitized linens.

(c) Linens provided by the institution that are not clean shall be cleaned and sanitized in accordance with this paragraph. When hot water in washing machines is used to sanitize linens provided by the institution, the washing machines shall be operated in accordance with the manufacturer's instructions. When chemicals are used to sanitize linens provided by the institution, linens shall be washed in accordance with the following:

- (1) using a solution of at least 50 parts per million chlorine; or
- (2) using laundry sanitizer that is registered in accordance with 40 C.F.R. 152 and that is used in accordance with the manufacturer's instructions.

(d) Clothing and linens that are provided by a resident for the resident's personal use shall be that resident's personal laundry. Personal laundry that is not clean shall be kept separate from clean clothing and linens using covered containers or bags that are labeled to indicate their contents and kept clean between uses. Containers or bags that are used to hold personal laundry that is not clean shall not be used for clean personal laundry. When a resident's personal laundry is combined with the personal laundry of one or more other residents and washed together by the institution, the combined personal laundry shall be washed in accordance with Paragraph (c) of this Rule.

(e) Laundry areas and equipment shall be kept clean.
 (f) Wheelchairs, walkers, lifts, and other mobility equipment shall be kept clean and sanitized between uses by different residents.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998;
 February 1, 1997; September 1, 1990;
 Temporary Amendment Eff. June 1, 2003;
 Amended Eff. February 1, 2004;
 Readopted Eff. December 1, 2022.

15A NCAC 18A .1320 ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT STATIONS

(a) All food service equipment and utensils shall be kept clean and in good repair. Institutions shall be allowed to use domestic food service equipment in activity kitchens, rehabilitation kitchens, and nourishment stations.

(b) Utensils that have been used to prepare, serve, or consume food or drink shall be returned to the dietary kitchen and shall be washed, rinsed, and sanitized. Notwithstanding the foregoing sentence, utensils may be washed, rinsed and sanitized at activity kitchens, rehabilitation kitchens, and nourishment stations that are equipped with the following:

- (1) a two compartment sink with 24 inch drainboards or counter top space at each end of the sink for handling used utensils and air drying clean and sanitized utensils. The sinks shall be of sufficient size to submerge, wash, rinse and sanitize utensils; or
- (2) a dishwashing machine approved by National Sanitation Foundation International.

(c) Any area where food is portioned, served, or handled shall be equipped with a handwashing facility with a hot and cold mixing faucet, soap, and single-use towels or a hand-drying device.

(d) The food-contact surfaces of cooking and baking equipment, including microwave ovens, shall be kept clean.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
 Temporary Amendment Eff. June 1, 2003;
 Amended Eff. February 1, 2004;
 Readopted Eff. December 1, 2022.

15A NCAC 18A .1321 FOOD SUPPLIES

(a) All food and food supplies provided by an institution for consumption by residents shall be from approved sources, stored, and handled as set forth in 15A NCAC 18A .2600.

(b) Food brought from home by employees or visitors of patients or residents shall be stored separately from the institution's food supply as described in Paragraph (a) of this Rule. Such food shall be labeled with the name of the resident or employee that the food belongs to and the date the food was brought into the institution. Labeling as required by this Rule shall not be required for food items stored in employee-designated or individual resident's refrigerators or rooms.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
 Temporary Amendment Eff. June 1, 2003;
 Amended Eff. February 1, 2004;
 Readopted Eff. December 1, 2022.

15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT STATIONS

(a) All TCS food shall be maintained at temperatures required by Part 3-501.19 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 during storage, preparation, transportation, display, and service of the TCS food. Time as a public health control may be used as specified in Section .2600 of this Subchapter, except that written procedures shall not be required.

(b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to ±3 degrees Fahrenheit or ±1.5 degrees Celsius.

(c) Food shall be stored at least six inches above the floor, in a clean, dry location, and protected from contamination.

(d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be permitted in an institution's dining areas in the following situations and only if the live animal does not come into physical contact with institution employees engaged in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single use articles, food contact surfaces, or other food service items:

- (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass enclosed aviaries;
- (2) Dogs accompanying police or security officers in offices and dining, sales, and storage areas, and dogs used for security purposes running loose in outside fenced areas;
- (3) Service animals, as defined in 28 C.F.R. 36.104, accompanying individuals with disabilities in areas that are not used for food preparation; and
- (4) Dogs (*Canis lupus familiaris*) and cats (*Felis catus*) in outdoor dining areas provided that dogs and cats are physically restrained and do not pass through any indoor dining areas of the facility.

(e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule shall prohibit an institution from restricting live animals in dining areas.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, 1990; Readopted Eff. December 1, 2022.

15A NCAC 18A .1324 EMPLOYEES

(a) While at work, all institution employees shall wear clean outer clothing. Employees shall wash or decontaminate their hands as set forth in Paragraph (b) immediately:

- (1) before beginning work;
- (2) after each visit to the toilet;
- (3) before and after resident contact;

(4) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; and

(5) after removing gloves.

(b) Institution employees shall wash their hands as required by Paragraph (a) of this Rule in a handwashing sink using the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. When an employee's hands are visibly clean, in lieu of handwashing, the employee may use alcohol-based hand antiseptics that contain 65 percent or more ethyl alcohol or 70 percent or more isopropyl alcohol. In the event of interruption of the institution's water supply or when handwashing facilities are not available for use, hand decontamination can be achieved by using a towelette containing detergent followed by an alcohol-based hand antiseptic that contains 65 percent or more ethyl alcohol or 70 percent or more isopropyl alcohol.

(c) Institution employees shall comply with the requirements for exclusion from work and restriction due to communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

(d) The institution shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to vomitus or fecal matter on institution surfaces. The procedure shall specify the actions that employees shall take to minimize the exposure of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; Readopted Eff. December 1, 2022.

15A NCAC 18A .1327 INCORPORATED RULES

Where referenced in this Section, 15A NCAC 13B .1200, 15A NCAC 18A .1700, 15A NCAC 18A .2600, and 15A NCAC 18C, are hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

History Note: Authority G.S. 130A-4; 130A-29; 130A-235; Eff. March 1, 2003 (See S.L. 2002-160); Readopted Eff. December 1, 2022.

TITLE 16 – STATE BOARD OF EDUCATION

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

(a) Applicants shall complete and submit the charter application at <https://www.dpi.nc.gov/students-families/alternative-choices/charter-schools/applications> and deliver the nonrefundable one thousand dollar (\$1,000) fee to the Office of

Charter Schools no later than 5:00 p.m. on the last Friday in April. The fee shall be in the form of a certified check or money order payable to NC DPI Office of Charter Schools. Applicants may mail the certified check or money order to the Office of Charter Schools, 6307 Mail Service Center Raleigh, NC 27699-6307; or deliver it to the Office of Charter Schools, Department of Public Instruction, 301 N. Wilmington Street, Raleigh, NC. Applicants are responsible for submitting applications and delivering fees to the Office of Charter School by the deadline.

(b) Applications and fees received after the deadline specified in Paragraph (a) of this Rule will not be considered. The Office of Charter Schools shall send written notice to the applicant and signatories of any statement required in G.S. 115C-218.1(a) informing them that the SBE will not consider the application because the applicant did not submit the application or deliver the fee to the Office of Charter School by the deadline.

(c) When determining whether to award a charter, the SBE shall consider any factors relevant to the applicant's academic, financial, and governance plans for 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) describes how the applicant will promote the use of different and innovative teaching methods;
- (3) reflects the applicant's understanding of, research into, and planning for educational issues, particularly budgeting, financing, and accounting issues;
- (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) describes other factors that will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.

*History Note: Authority G.S. 115C-12; 115C-218; 115C-218.1; 115C-218.5;
Emergency Adoption Eff. August 20, 2019;
Eff. August 23, 2022;
Amended Eff. December 1, 2022.*

CHAPTER 12 – LICENSING BOARD FOR GENERAL CONTRACTORS

21 NCAC 12A .0202 CLASSIFICATION

(a) A general contractor shall be certified in one of the following five classifications:

- (1) **Building Contractor.** This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes installation of solar panels; parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine and Freshwater Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), and S(Asbestos), and S(Wind Turbine).
- (2) **Residential Contractor.** This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the Residential Building Code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos). This classification also covers the installation of solar panels on residential units that are required to conform to the residential building code.
- (3) **Highway Contractor.** This classification covers all highway construction activity including: demolition, grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage, and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

- under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine and Freshwater Construction), S(Railroad Construction), and H(Grading and Excavating).
- (4) Public Utilities Contractor. This classification includes demolition and operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).
- (5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:
- (A) H(Grading and Excavating). This classification covers the digging, moving, and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed with the use of hand and power tools and machines used for these types of digging, moving, and material placing. It covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. It also includes clearing and grubbing, and erosion control activities.
- (B) S(Boring and Tunneling). This classification covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface, including the bracing and compacting of such passageways to make them safe for the purpose intended. It includes preparation of the ground surfaces at points of ingress and egress.
- (C) PU (Communications). This classification covers the demolition and installation of the following:
- (i) all types of pole lines, and aerial and underground distribution cable for telephone systems;
 - (ii) aerial and underground distribution cable for cable TV and master antenna TV systems capable of transmitting R.F. signals;
 - (iii) underground conduit and communication cable, including fiber optic cable; and
 - (iv) microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) S(Concrete Construction). This classification covers the construction, demolition, and installation of foundations, pre-cast silos, and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots, and highways.
- (E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction, installation, alteration, maintenance, or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated, and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers. This classification includes the construction of solar arrays.
- (F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating, trenching, and backfilling in connection therewith. It covers the installation, replacement, and removal of above ground and below ground fuel storage tanks.

- (G) PU(Water Lines and Sewer Lines). This classification covers demolition and construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.
- (H) PU(Water Purification and Sewage Disposal). This classification covers the demolition and performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, curbs, and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.
- (I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and lines and piping that are ancillary to the building.
- (J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.
- (K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater demolition and construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures that may be constructed on docks, slips, and piers.
- (L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:
- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) installation of fire clay products and refractory construction; and
 - (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). This classification covers the demolition, building, construction, and repair of railroad lines including:
- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof

- and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.
- (O) S(Metal Erection). This classification covers:
- (i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and
 - (ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.
- (P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:
- (i) excavation and grading;
 - (ii) construction of concrete, gunite, fiberglass, metal-walled with liner, steel-walled with liner, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
 - (iii) installation of all equipment including pumps, filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.
- (Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair,

maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities. This specialty is required only when the cost of asbestos activities as described herein are equal to or exceed thirty thousand dollars (\$30,000).

- (R) S(Wind Turbine). This classification covers the construction, demolition, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examinations for the classification requested by the applicant. The license granted to an applicant who meets the qualifications for all of the classifications set forth in the rules of this Section shall be designated "unclassified."

History Note: Authority G.S. 87-1; 87-4; 87-10;

Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. June 1, 1994; June 1, 1992; May 1, 1989; January 1, 1983;

Temporary Amendment Eff. February 18, 1997;

Amended Eff. April 1, 2014; June 1, 2011; September 1, 2009;

April 1, 2004; April 1, 2003; August 1, 2002; April 1, 2001;

August 1, 2000; August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;

Amended Eff. September 1, 2019; April 1, 2018;

Recodified from 21 NCAC 12 .0202 Eff. January 2, 2020;

Amended Eff. January 1, 2023; January 1, 2022.

21 NCAC 12A .0303 APPLICATION FOR LICENSURE

(a) General. Applications for licensure shall contain the following:

- (1) the Social Security Number of examinees and qualifiers and tax identification numbers for corporate applicants;
- (2) the applicant's contact information;
- (3) the name of business under which the licensee will be operating, if any;
- (4) requested designation of license limitation and classifications;

- (5) statements and supporting documentation about all crimes of which the applicant has been convicted;
- (6) certified copies of court records reflecting information regarding all crimes of which the applicant and qualifiers have been convicted;
- (7) statements and supporting documentation indicating whether the applicant or qualifiers has any disciplinary history with the Board or any other occupational licensing, registration, or certification agency;
- (8) statements and supporting documentation establishing financial responsibility as required by G.S. 87-10(a) and Rule .0204 of this Subchapter;
- (9) letters of reference as prescribed in Rule .0308 of this Subchapter; and
- (10) the application fee as set forth in Rule .0304 of this Subchapter.

(b) Criminal Background Check. In addition to the requirements set forth above, all new applicants shall consent to criminal background checks to be performed by a third-party vendor identified by the Board. The cost of the background check shall be paid directly to the vendor. The qualifiers of all new applicants shall submit to the background check. Additionally, the following individuals shall submit to the background check, based upon the entity or person applying for the license:

- (1) Sole proprietor license: The sole proprietor;
- (2) Corporation: The president;
- (3) Limited liability company: All managers and members;
- (4) Partnerships (including limited liability partnerships): All partners.

(c) Reciprocity. Applicants based on reciprocity shall submit with the application form a copy of the applicant's license in the other state, certified by the other state licensing board as being a copy of a valid license. Applicants shall have taken and passed the exam offered in the state from which they are seeking reciprocity, or an examination offered by the National Association of State Contractors Licensing Agencies (NASCLA). Applicants shall also be required to take and pass the Board's North Carolina law, rule, and building code examination prior to licensure.

History Note: Authority G.S. 87-1; 87-4; 87-10; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016; Amended Eff. September 1, 2019; April 1, 2018; Recodified from 21 NCAC 12 .0303 Eff. January 2, 2020; Amended Eff. January 1, 2023; March 1, 2022.

21 NCAC 12B .0201 APPLICATION FOR INITIAL APPROVAL OF CONTINUING EDUCATION PROVIDER

(a) Only continuing education providers approved by the Board shall be eligible to offer continuing education courses. If a third party advertises or hosts an approved course, all materials advertising the course shall include the approved provider's name.

(b) Prospective providers of all courses shall obtain written approval from the Board to conduct courses prior to conducting courses and prior to advertising or otherwise representing that a course is or may be approved for general contractor continuing education credit in North Carolina. No retroactive approval to conduct continuing education courses will be granted.

(c) Any entity seeking initial approval to be a continuing education provider shall apply using a form available on the Board's website that requires the applicant to set forth:

- (1) the legal name of applicant and any assumed business name;
- (2) the applicant's mailing address, telephone number, and email address;
- (3) the SOS ID number issued by the NC Secretary of State, if applicable;
- (4) the legal names of the provider's owners, members, managers or partners;
- (5) the name of a continuing education coordinator who shall serve as the contact person for the provider; and
- (6) the signature of the applicant or its legal designee.

(d) The name of any course provider shall not be identical or similar so as to cause confusion to the name of any other approved continuing education course provider.

(e) Continuing education providers shall notify the Board in writing within 10 days of any change in business name, ownership interest, continuing education coordinator, address, business telephone number, or email address.

History Note: Authority G.S. 87-10.2; Temporary Adoption Eff. January 2, 2020; Eff. September 1, 2020; Amended Eff. January 1, 2023.

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

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 agency shall allow a representative of the Dental Board to serve on the agency's Board of Directors and the Examination Review Committee for the limited purpose of allowing Dental Board input in the development and administration of the examination.

(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 conducted by the testing agency;
 - (G) a task analysis performed by the testing agency 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) a system of quality assurance that 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 request the applicable entity to send the applicant's scores to the Board office. Individuals who apply for licensure more than five years after the examination date shall re-take the examination.

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

History Note: Authority G.S. 90-30; 90-48; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. September 1, 2014; June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. December 1, 2022; October 1, 2019.

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 agency shall allow a representative of the Dental Board to serve on the agency's Board of Directors and Examination Review Committee for the limited purpose of allowing Dental Board input in the development and administration of the examination.

(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 conducted by the testing agency;
 - (G) a task analysis performed by the testing agency 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) a system of quality assurance that 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 request the applicable entity to send the applicant's scores to the Board office.

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

History Note: Authority G.S. 90-224; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. September 1, 2014; June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. December 1, 2022; September 1, 2020.

CHAPTER 32 - MEDICAL BOARD

Rules approved by the Rules Review Commission at its meeting on November 22, 2022 Meeting.

REGISTER CITATION TO THE NOTICE OF TEXT

AGRICULTURE, BOARD OF

<u>Importation Requirements: Wild Animals</u>	02 NCAC 52B .0212*	36:19 NCR
<u>Importation Requirements: Rabbits, or Any Species in the ...</u>	02 NCAC 52B .0214*	36:22 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 52B .0212 IMPORTATION REQUIREMENTS: WILD ANIMALS

(a) A person shall obtain a permit from the State Veterinarian before importing any of the following animals into this State:

- (1) Skunk;
- (2) Fox;
- (3) Raccoon;
- (4) Ringtail;
- (5) North and South American felines;
- (6) Marten;
- (7) Brushtail Possum (*Trichosurus vulpecula*).

(b) Permits for the importation into this State of any of the animals listed in Paragraph (a) of this Rule shall be issued only if the animal(s) will be used in a research institute, or for exhibition

21 NCAC 32A .0115 PETITION FOR RULE-MAKING

(a) Any person submitting a petition to adopt, amend, or repeal a rule by the Board shall address a petition to the Board's Rule Making Coordinator at the office address in 21 NCAC 32A .0101.

- (1) The petition shall contain the following:
 - (A) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment;
 - (B) a statement of the effect of the requested rule change, including any effect of the new rule on existing rules; and
 - (C) the name and address of the petitioner.
- (2) The petition may contain the following:
 - (A) the reason for the proposal; or
 - (B) any data supporting the rule proposal.

(b) Within 120 days of submission of the petition, the Board shall render a final decision. If the decision is to grant the petition, the Board shall initiate a rule-making proceeding by issuing a notice as provided for in G.S. 150B-20(c). If the decision is to deny the petition, the Board shall send the petitioner written notice of the decision. The notice shall state the reasons for denying the petition and refer to the appeal rights set forth in G.S. 150B-20(d).

History Note: Authority G.S. 90-5.1; 150B-20; Eff. December 1, 2022.

by a USDA licensed exhibitor, or organized entertainment as in zoos or circuses.

(c) Nothing in the permit requirements for the importation of wild animals, as defined by G.S. 113-129 and as set forth in this Subchapter, shall excuse or exempt the applicant from compliance with applicable North Carolina Wildlife Resource Commission rules in 15A NCAC 10B .0100 or 15A NCAC 10H .1400.

(d) Camelids, bison, and other bovidae other than domestic cattle may be imported into the State if accompanied by an official health certificate issued by a licensed, accredited veterinarian, as defined in 02 NCAC 52B .0401, which states that:

- (1) all animals six months of age or older have tested negative for brucellosis within 30 days prior to importation; and
- (2) all animals six months of age or older have tested negative for tuberculosis within 60 days prior to importation; and

- (3) the herd of origin has had no brucellosis or tuberculosis diagnosed within the past 12 months.

(e) Additionally, all bison and other bovidae other than domestic cattle may be imported into the State only if officially identified in accordance with 9 CFR 86.1, which shall be incorporated by reference, including any subsequent amendments and editions, and can be obtained free of cost at https://www.ecfr.gov/cgi-bin/text-idx?SID&node=pt9.1.86&rgn=div5#se9.1.86_11. The requirements of this Paragraph shall not apply to camelids, llamas, vicunas, alpacas, and guanacos from other states that are tuberculosis Accredited-Free and brucellosis Certified-Free, when accompanied by an official health certificate.

(f) Any species or hybrid of a mammal not otherwise covered in the Administrative Code must be accompanied by a valid certificate of veterinary inspection.

(g) Imported elephants shall be accompanied by an official health certificate issued by a licensed, accredited veterinarian for the duration of the certificate in North Carolina, as defined in 02 NCAC 52B .0401, which states that "all animals have tested negative for tuberculosis within 365 days prior to importation."

History Note: Authority G.S. 106-317; 106-400; Eff. April 1, 1984; Amended Eff. July 1, 1998; February 1, 1996; May 1, 1992; Temporary Amendment Eff. February 18, 2002; Temporary Amendment Expired August 1, 2002 (See Rule .0213); Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017; Amended Eff. December 1, 2022.

02 NCAC 52B .0214 IMPORTATION REQUIREMENTS: RABBITS, OR ANY SPECIES IN THE ORDER LAGOMORPHA, INCLUDING HARES AND PIKAS

(a) An import permit from the State Veterinarian is required for the importation of a rabbit, or any species in the order of Lagomorpha, including hare and pika, into the State of North Carolina originating from:

- (1) any country or state with Rabbit Hemorrhagic Disease Virus-2 ("RHDV-2") detected; or
- (2) a state or country without RHDV-2 if the animal makes any intervening stop in a country or state with RHDV-2 detected, if the animal is commingled or exposed to any other animal in the order of Lagomorpha not being shipped directly from the point of origin together, or if the imported rabbit is exposed to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together.

(b) The import permit application shall be accompanied by an official health certificate certifying the animal to be free from any contagious animal disease, including RHDV-2, as follows:

- (1) If the animal is shipped directly without any intervening stops, without commingling or exposure to any other animal in the order of

Lagomorpha not being shipped directly from the point of origin together, and without exposure to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together, then the official health certificate shall be obtained within 7 days of the date of importation into North Carolina.

- (2) If the animal is shipped with intervening stops, with commingling or exposure to another animal in the order of Lagomorpha not being shipped directly from the point of origin together, or with exposure to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together, then the official health certificate shall be obtained from the location of the last intervening stop, commingling, or exposure, and within 7 days of the date of importation into North Carolina.

(c) No permit is needed for rabbits, or any species in the order of Lagomorpha, including hare and pika, brought into the State on a temporary basis for the sole purpose of seeking veterinary services by a North Carolina licensed veterinarian, lasting only until the end of the veterinary service visit, and the animal is brought directly to the veterinary clinic and departs from the veterinary clinic to the originating state with no intervening stops.

(d) The application for a importation shall include the state of origin, health certificate inspection date, the owner's name, address, and phone number at the time of import, the import destination within the State of North Carolina, the name, address, and phone number of the person with control and responsibility over the animal at the import destination, and any federal licensing, permit, and documentation required for the importation of the animal if imported from outside of the United States of America.

(e) A rabbit, or any species in the order of Lagomorpha, including hare and pika, requiring an import permit that is imported into North Carolina shall be accompanied by an official health certificate with the import permit number and shall be made available for inspection by the State Veterinarian or his or her designee upon request.

(f) An intervening stop is defined as a stop in a country or state longer than 24 hours but less than 10 days. The location of any stop for longer than 10 days shall be deemed the new country or state of origin.

(g) Health certificates issued outside of the United States shall be issued in English and by a veterinarian with a valid license to practice veterinary medicine in the country of export.

History Note: Authority G.S. 106-317; Emergency Adoption Eff. July 13, 2021; Temporary Adoption Eff. September 24, 2021; Eff. December 1, 2022.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission January 19, 2023 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

AGENDA

RULES REVIEW COMMISSION

Thursday, January 19, 2023, 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. Department of Administration - 01 NCAC 05E .0103, .0104, .0105 (Peaslee)
 - B. State Board of Elections - 08 NCAC 04 .0308, .0309 (Peaslee)
 - C. Medical Care Commission - 10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, .5411 (Liebman)
 - D. Medical Care Commission - 10A NCAC 13F .0904; 13G .0904 (Duke)
 - E. Industrial Commission – 11 NCAC 23G .0104 (Duke)
 - F. Environmental Management Commission - 15A NCAC 02B .0208, .0212, .0214, .0215, .0216, .0218 (Duke)
 - G. Environmental Management Commission - 15A NCAC 02E .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409 (Duke)
 - H. Environmental Management Commission - 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 (Liebman)
 - I. Coastal Resources Commission - 15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510, .071 .0406, .0506, .0508, .0511, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0312 (Liebman)
 - J. Coastal Resources Commission - 15A NCAC 07H .2305 (Duke)
 - K. Coastal Resources Commission - 15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, .1101, .1102 (Peaslee)
 - L. Wildlife Resources Commission - 15A NCAC 10F .0201 (Duke)
 - M. TSERS and LGERS Board of Trustees 02A - 20 NCAC 02A .0101, .0102, .0103, .0104, .0201, .0202, .0301, .0302, .0303, .0401, .0503, .0504, .0505 (Liebman)
 - N. TSERS Board of Trustees 02B – 20 NCAC 02B .0101, .0202, .0210, .0211, .0213, .0301, .0302, .0303, .0304, .0305, .0307, .0308, .0401, .0402, .0404, .0405, .0501, .0502, .0503, .0504, .0510, .0701, .0706, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0810, .0901, .0902, .0903, .0904, .0905, .0906, .1003, .1004, .1005, .1006, .1007, .1101, .1102, .1104, .1204, .1205, .1207 (Liebman)

- O. LGERS Board of Trustees 02C - 20 NCAC 02C .0101, .0201, .0204, .0205, .0301, .0302, .0303, .0304, .0306, .0307, .0402, .0403, .0404, .0405, .0501, .0502, .0503, .0504, .0704, .0901, .0902, .0904, .0906, .0907, .0908, .0909, .1001, .1002, .1003, .1004, .1006, .1007, .1201, .1301, .1302, .1501, .1503, .1504, .1505, .1506 (Liebman)
 - P. TSERS Board of Trustees 02F – 20 NCAC 02F .0101, .0104, .0107, .0108 (Duke)
 - Q. TSERS and LGERS Board of Trustees 02L, 02M - 20 NCAC 02L .0101, .0103, .0202, .0302; 02M .0101, .0102, .0104, .0201, .0202, .0206, .0301, .0302, .0303, .0304, .0305, .0307 (Duke)
 - R. LGERS Board of Trustees 02N - 20 NCAC 02N .0106, .0108, .0208, .0215, .0218, .0219 (Duke)
 - S. Behavior Analyst Licensure Board - 21 NCAC 05 .0101, .0201, .0202, .0203, .0301, .0401, .0402, .0403, .0501, .0601, .0602, .0603 (Liebman)
 - T. Board of Examiners for Engineers and Surveyors - 21 NCAC 56 .0303, .0601, .0608, .1702, .1703, .1704, .1705, .1707, .1713 (Peaslee)
- IV. Review of Filings (Permanent Rules) for rules filed between November 21, 2022 through December 20, 2022
- Department of Natural and Cultural Resources
 - State Board of Elections
 - Department of Public Safety
 - Department of Environmental Quality
 - Wildlife Resources Commission
 - Board of Dental Examiners
 - Interpreter and Transliterator Licensing Board
 - Board of Licensed Clinical Mental Health Counselors
- 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. Review of the 2023 State Medical Facilities Plan (Ascher)
- VIII. Commission Business
- Next meeting: February 16, 2023

Commission Review
Log of Permanent Rule Filings
November 21, 2022 through December 20, 2022

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

The rules in Subchapter 13C concern state lakes regulations including general provisions (.0100); commercial enterprises (.0200); construction activities in or upon state lakes (.0300); and miscellaneous state lakes regulations (.0400).

<u>Definitions</u>	07	NCAC 13C .0102
Amend*		
<u>Permits</u>	07	NCAC 13C .0105
Readopt/Repeal*		
<u>Commercial Enterprises and Activities</u>	07	NCAC 13C .0201
Readopt with Changes*		
<u>Scientific or Educational Research and Noncommercial Acti...</u>	07	NCAC 13C .0202
Readopt with Changes*		
<u>Commercial Activities in or Upon State Lakes</u>	07	NCAC 13C .0203
Readopt/Repeal*		
<u>State Lake Permits</u>	07	NCAC 13C .0301
Readopt with Changes*		
<u>Structures Prohibited on Certain State Lakes</u>	07	NCAC 13C .0302
Readopt/Repeal*		
<u>Permissible Structural Dimensions</u>	07	NCAC 13C .0303
Readopt with Changes*		
<u>Limits on Elevated Structures</u>	07	NCAC 13C .0304

Readopt/Repeal*		
<u>Permits for Structures Existing as of February 1, 1974</u>	07	NCAC 13C .0305
Readopt/Repeal*		
<u>Fees</u>	07	NCAC 13C .0306
Readopt/Repeal*		
<u>Condition of Structures</u>	07	NCAC 13C .0307
Readopt with Changes*		
<u>Eligibility for Permits</u>	07	NCAC 13C .0309
Readopt/Repeal*		
<u>Revocation of Permits</u>	07	NCAC 13C .0310
Readopt/Repeal*		
<u>Application for Structural Permits</u>	07	NCAC 13C .0311
Readopt/Repeal*		
<u>Permits for Structures Existing on February 1, 1974</u>	07	NCAC 13C .0312
Readopt/Repeal*		
<u>Liability</u>	07	NCAC 13C .0313
Repeal*		
<u>Right of Entry Reserved</u>	07	NCAC 13C .0314
Readopt/Repeal*		
<u>Application Denial and Permit Revocation Procedures</u>	07	NCAC 13C .0315
Readopt with Changes*		
<u>Water Level; Discharge</u>	07	NCAC 13C .0406
Amend*		
<u>Mooring Buoys</u>	07	NCAC 13C .0407
Amend*		
<u>State Park Regulations</u>	07	NCAC 13C .0408
Repeal*		

ELECTIONS, STATE BOARD OF

The rules in Chapter 21 are department rules concerning reporting (.0100) political committees and referendum committees (.0200); use of contributions (.0300); examinations (.0400); and disclosure requirements for media advertisements (.0500).

<u>Committee Accounts</u>	08	NCAC 21 .0201
Amend*		
<u>Requesting a Waiver of a Civil Late Penalty</u>	08	NCAC 21 .0206
Adopt*		
<u>Procedures for Committees with Missing Reports</u>	08	NCAC 21 .0207
Adopt*		

PUBLIC SAFETY, DEPARTMENT OF

The rules in Chapter 3 concern emergency management including the North Carolina search and rescue program (.0400).

<u>Purpose</u>	14B	NCAC 03 .0401
Adopt*		
<u>Abbreviations and Definitions</u>	14B	NCAC 03 .0402
Adopt*		
<u>Dispatch of a Contract Response Team to a Search to a Sea...</u>	14B	NCAC 03 .0403
Adopt*		
<u>On-site Operations of a Contract Response Team</u>	14B	NCAC 03 .0404

Adopt*	
<u>Standards for Administration of a Contract Response Team....</u>	14B NCAC 03 .0405
Adopt*	
<u>Recovering the Costs of a Search and Rescue Team or Speci...</u>	14B NCAC 03 .0406
Adopt*	
<u>Procedures for Bidding and Contracting for Search and Res...</u>	14B NCAC 03 .0407
Adopt*	
<u>Criteria for Submitting Bids for Contract Response Team</u>	14B NCAC 03 .0408
Adopt*	
<u>Personnel, Training, and Equipment Standards for Contract...</u>	14B NCAC 03 .0409
Adopt*	
<u>Procedures for Auditing Contract Response Teams and Speci...</u>	14B NCAC 03 .0410
Adopt*	

ENVIRONMENTAL QUALITY, DEPARTMENT OF

The rules in Subchapter 1E concern oil refining facility permits.

<u>Purpose</u>	15A NCAC 01E .0101
Readopt with Changes*	
<u>Definitions</u>	15A NCAC 01E .0102
Readopt with Changes*	
<u>Oil Refining Facility Permit Required</u>	15A NCAC 01E .0103
Readopt with Changes*	
<u>Permit Application Requirements</u>	15A NCAC 01E .0104
Readopt with Changes*	
<u>Permit Application Procedure</u>	15A NCAC 01E .0105
Readopt with Changes*	
<u>Public Hearing on Permit Application</u>	15A NCAC 01E .0106
Readopt with Changes*	
<u>Decision to Issue or Deny Permit</u>	15A NCAC 01E .0107
Readopt with Changes*	
<u>Suspension: Revocation: or Amendment of Permits</u>	15A NCAC 01E .0108
Readopt with Changes*	
<u>Administrative Hearings: Final Decision by Secretary</u>	15A NCAC 01E .0109
Readopt/Repeal*	
<u>Severability</u>	15A NCAC 01E .0110
Readopt without Changes*	
<u>Mailing List</u>	15A NCAC 01E .0111
Readopt with Changes*	
<u>Fees</u>	15A NCAC 01E .0112
Readopt/Repeal*	
<u>Extensions of Time Periods</u>	15A NCAC 01E .0113
Readopt with Changes*	
<u>Delegations</u>	15A NCAC 01E .0114
Readopt with Changes*	
<u>Unauthorized Discharges</u>	15A NCAC 01E .0115
Adopt*	

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 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), tagging furs (.0400), chronic wasting disease management (.0500).

Prohibited Taking and Manner of Take 15A NCAC 10B .0201
Readopt with Changes*

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

General Provisions 15A NCAC 10F .0301
Amend*

New Hanover County 15A NCAC 10F .0314
Amend*

Pamlico County 15A NCAC 10F .0326
Amend*

Montgomery County 15A NCAC 10F .0327
Amend*

Northampton and Warren Counties 15A NCAC 10F .0336
Amend*

Wilkes County 15A NCAC 10F .0361
Amend*

The rules in Subchapter 10I concern endangered and threatened species.

Endangered Species Listed 15A NCAC 10I .0103
Amend*

Threatened Species Listed 15A NCAC 10I .0104
Amend*

Special Concern Species Listed 15A NCAC 10I .0105
Amend*

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

Equipment, Personnel, and Clinical Requirements to Admini... 21 NCAC 16Q .0103
Adopt*

Requirements for Inspections and Evaluations 21 NCAC 16Q .0104
Adopt*

General Anesthesia Equipment and Clinical Requirements 21 NCAC 16Q .0202
Amend*

Moderate Parenteral and Enteral Conscious Sedation Clinic... 21 NCAC 16Q .0302
Amend*

Moderate Pediatric Conscious Sedation Clinical Requiremen... 21 NCAC 16Q .0405
Amend*

Reports of Adverse Occurrences 21 NCAC 16Q .0703
Amend*

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

The rules in Chapter 25 are from the Interpreter and Transliterators Board including general provisions (.0100); licensing (.0200); moral fitness for licensure (.0300); reporting and disclosure requirements (.0400); continuing education (.0500); administrative procedure (.0600); and sanctions (.0700).

Renewal of a Provisional License 21 NCAC 25 .0205
Amend*

CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED

The rules in Chapter 53 are from the Board of Licensed Professional Counselors and include general information (.0100); definitions and clarification of terms (.0200); how to obtain licensure (.0300); disciplinary procedures (.0400); fees (.0500); renewal of license (.0600); rules specific to licensed professional counselor associates (.0700); licensed professional counselor supervisors (.0800); and registration for a professional entity (.0900).

Graduate Counseling Experience 21 NCAC 53 .0206
Amend*

Licensed Clinical Mental Health Counselor Associate 21 NCAC 53 .0701
Amend*