

NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 03 • Pages 90 – 153

August 1, 2024

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PUBLISHED BY

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

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2024 – December 2024

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
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

*Dates not approved by the RRC

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 Human Resources 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 but not later than 60 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.

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



State of North Carolina

ROY COOPER

GOVERNOR

June 18, 2024

EXECUTIVE ORDER NO. 309

**DISASTER DECLARATION FOR THE TOWN OF WEST JEFFERSON IN
ASHE COUNTY NORTH CAROLINA**

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

WHEREAS, on May 26, 2024, the Town of West Jefferson (hereinafter "West Jefferson") in Ashe County, North Carolina experienced damage to roads and bridges from a significant flood event; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22 the Mayor of West Jefferson declared a state of emergency on May 26, 2024; and

WHEREAS, due to the impacts of the event, local and state emergency management officials conducted a joint preliminary damage assessment on May 31, 2024, for West Jefferson; and

WHEREAS, West Jefferson has incurred more than \$10,000 in disaster-related damages, the damages exceed one (1) percent of the Town's operating budget, and West Jefferson has a current state-approved Hazard Mitigation plan in place and participates in the National Flood Insurance Program; and

WHEREAS, the President of the United States has not declared a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter "Stafford Act"), as amended (42 U.S.C. § 5121-5206); and

WHEREAS, West Jefferson would not qualify based on the preliminary damage assessment for Federal Public Assistance according to the requirements of 44 C.F.R. § 206.48; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(a)-(b), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster; (c) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2); and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared for Public Assistance; and

WHEREAS, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina in West Jefferson; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

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

Section 1.

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the Town of West Jefferson in Ashe County, North Carolina ("the Emergency Area").

Section 2.

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

Section 3.

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for road and bridge repair.

Section 4.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Clerk of Superior Court in Ashe County; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 18th day of June in the year of our Lord, two thousand and twenty-four.



Roy Cooper
Governor



ATTEST:



Elaine F. Marshall
Secretary of State



State of North Carolina

ROY COOPER

GOVERNOR

July 1, 2024

EXECUTIVE ORDER NO. 310

DISASTER DECLARATION FOR THE CITY OF MARION IN MCDOWELL COUNTY NORTH CAROLINA

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

WHEREAS, on May 18, 2024, the City of Marion (hereinafter "Marion") in McDowell County, North Carolina experienced damages from a severe rain event leading to flash flooding; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22 the Mayor of Marion declared a state of emergency on May 18, 2024; and

WHEREAS, due to the impacts of the event, local and state emergency management officials conducted a joint preliminary damage assessment on June 5, 2024, for Marion; and

WHEREAS, Marion has incurred more than \$10,000 in disaster-related damages, the damages exceed one (1) percent of the City's operating budget, Marion has a current state approved Hazard Mitigation plan in place and participates in the National Flood Insurance Program; and

WHEREAS, the President of the United States has not declared a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter "Stafford Act"), as amended (42 U.S.C. § 5121-5206); and

WHEREAS, Marion would not qualify based on the preliminary damage assessment for Federal Public Assistance according to the requirements of 44 C.F.R. § 206.48; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(a)-(b), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster; (c) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a; and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared for Public Assistance; and

WHEREAS, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in Marion; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance

under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

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

Section 1.

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the City of Marion in McDowell County, North Carolina ("the Emergency Area").

Section 2.

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

Section 3.

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

- a. Emergency protective measures.
- b. Roads and bridges.

Section 4.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Clerk of Superior Court in McDowell County; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 1st day of July in the year of our Lord, two thousand and twenty-four.



 Roy Cooper
 Governor

ATTEST:



 Rodney S. Maddox
 Chief Deputy Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: DENAGO EV CORPORATION

Applicant's Address: 2799 GATEWAY CENTRE PKWY BLDG G, PETERSBURG, FL 33716

Application Date: 04/17/2024

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

Li Qiong - Director

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

CHAPTER 15 - RADIATION PROTECTION

SECTION .1800 – STANDARDS FOR RADON PROFICIENCY PROGRAM APPROVAL

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 15 .1801.

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

Proposed Effective Date: Subject to Legislative Reivew

Public Hearing:

Date: September 25, 2024

Time: 2:00 p.m.

Location: Edgerton Building, Room 026, 809 Ruggles Drive, Raleigh, NC 27699

Reason for Proposed Action: The initiation of this rule was required under Session Law (S.L) 2023-91 for the Department of Health and Human Services (DHHS) to create temporary and permanent rules for the approval of radon proficiency programs. There are currently no laws or regulations regarding radon professionals who are hired to measure and mitigate radon specific to North Carolina. S.L. 2023-91 is the first and only law regarding radon measurement, mitigation, or certification in North Carolina. In 2001, EPA provided a radon credentialing program and one-time approval of two certification bodies (NRPP and NRSB). Since that time, there has been no federal or state framework for approval of radon proficiency programs. This law gives radon proficiency programs the ability to gain approval in the State of North Carolina. The rule adoption establishes minimum criteria for programs which will certify radon professionals in North Carolina. The temporary version of this rule became effective February 14, 2024.

Comments may be submitted to: Shanah Black, 809 Ruggles Drive; 2701 Mail Service Center, Raleigh, NC 27699; email dhsr.rulescoordinator@dhhs.nc.gov

Comment period ends: September 30, 2024

Rule(s) is automatically subject to legislative review: S.L. 2023-91, s. 2

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

10A NCAC 15 .1801 REQUIREMENTS FOR REGISTRATION OF RADON PROFICIENCY PROGRAMS

(a) In addition to the definitions found in Rule .0104 of this Chapter, the following definition shall apply to this Rule: "Radon proficiency program" means an organization that provides training, competency testing, and certification to an individual as a radon professional.

(b) Persons seeking initial registration, to amend a registration, or to renew a registration as a radon proficiency program shall:

- (1) submit an application for registration to the agency at the addresses shown in Rule .0111(a) of this Chapter or as otherwise instructed by the agency. Applications for initial registration and applications to renew a registration shall be submitted with supporting information demonstrating that the requirements of Paragraph (c) of this Rule and S.L. 2023-91, s. 2 are met. Applications to amend a registration shall be submitted with an attachment explaining the items to be amended; and
(2) comply with the provisions of Paragraph (h) of this Rule.

(c) The Department shall approve an application for initial registration or to renew a registration as a radon proficiency program that meets the criteria set out in S.L. 2023-91, s. 2.

(d) Radon proficiency program registrations issued by the Department shall expire at midnight on the expiration date stated on the radon proficiency program registration. The Department shall not issue an initial or renewed registration expiring less than one year from the date of issuance.

(e) The Department shall deny an application for initial registration or to renew a registration as a radon proficiency program if the application fails to demonstrate compliance with Paragraph (c) of this Rule and S.L. 2023-91, s. 2.

(f) Persons whose radon proficiency program registrations are revoked or expired may apply for registration in accordance with Paragraph (b) of this Rule and S.L. 2023-91, s. 2.

(g) Each registrant shall, upon notice of at least 48 hours, make available to the Department for inspection records maintained pursuant to this Rule.

(h) Applications submitted to the Department for registration as a radon proficiency program shall contain the following information:

- (1) Box 1, check the box next to the type of registration requested;
(2) Box 2, business physical address;

- (A) name of the radiation proficiency program;
 - (B) phone number at the physical location;
 - (C) website associated with the radiation proficiency program;
 - (D) physical address of the business, including the street address, city, county, state, and zip code. The five digit zip code may be used if the nine digit zip code is not known;
 - (E) mailing address if different from Box 1. If the physical and mailing addresses are the same, the mailing address may be left blank: Mailing address of the business, including city, state, and zip code. The five digit zip code may be used if the nine digit zip code is not known; and
 - (F) name, phone number and email for the individual completing the form.
- (3) Box 3, authorizing signature of individual responsible for the radon proficiency program:
- (A) name of company or corporate office;
 - (B) full legal name. Middle initials may be used in lieu of the full middle name; and
 - (C) signature of the individual registering the radiation proficiency program on behalf of the business; and
- (4) Additional Attachments to include with application:
- (A) documents establishing compliance and periodic reaccreditation with the international program approval standard through accreditation by a recognized accreditation body or demonstration of current approval by the United States Environmental Protection Agency as a radon proficiency; program; or
 - (B) list of a board members from various private and public sector stakeholders to make decisions regarding curriculum, testing, instructor qualifications, quality assurance and control, continuing education requirements, and procedures for the handling of complaints;
 - (C) minimum training requirements for radon professionals for each type of certification offered;
 - (D) examination requirements for each type of certification;
 - (E) continuing education requirements for each type of certification; and
 - (F) instructor names and qualifications demonstrating relevant knowledge and experience.

- (5) copies of the registration form are available free of charge by emailing the contacts listed at <https://www.ncdhhs.gov/divisions/health-service-regulation/north-carolina-radon-program/contacts>.

Authority S.L. 2023-91, s. 2.

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 amend the rules cited as 12 NCAC 10B .0402-.0404, and .0503.

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

Proposed Effective Date: December 1, 2024

Public Hearing:

Date: August 20, 2024

Time: 9:00 a.m.

Location: 1700 Tryon Park Dr., Raleigh, NC 27610

Reason for Proposed Action: *The Commission voted to not require sheriff deputies to complete Basic Law Enforcement Training (BLET) prior to taking their oath of office. The Commission voted to return to the previous requirement that BLET be completed during the deputy's probationary period.*

Comments may be submitted to: *Melissa Bowman, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email m Bowman@ncdoj.gov*

Comment period ends: September 30, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0402 PROBATIONARY CERTIFICATION

All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section, shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0602(a) or .1303(a). Rules .0503(a), 0602(a), and .1303(a) of this Subchapter. For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office after completion of Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205. Office. For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT

- (a) For certification as a deputy sheriff, ~~the applicant must successfully complete Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205, and~~ a Report of Appointment (Form F-4) ~~must~~ shall be submitted to the Division.
- (b) For certification as a detention officer, a Report of Appointment (Form F-4) ~~must~~ shall be submitted to the Division.
- (c) For certification as a telecommunication officer, a Report of Appointment (Form F-4T) ~~must~~ shall be submitted to the Division.
- (d) Report of Appointment forms ~~must~~ shall be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.
- (e) The Division shall forward the justice officer's certification to the ~~appointing~~ employing agency.
- (f) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

- (1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall submit evidence of

satisfactory completion of the employing agency's in-service firearms training and ~~requalification~~ qualification program pursuant to ~~12 NCAC 10B .2000 and .2100; Section .2100 of this Subchapter;~~ or

- (2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to carry a firearm.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0404 GENERAL CERTIFICATION

(a) The Commission shall grant an officer general certification if evidence is received by the Division that the officer has:

- (1) complied with all of the requirements of ~~12 NCAC 10B .0300; Section .0300 of this Subchapter;~~ and
- (2) ~~successfully completed the required probationary period pursuant to Rule .0402 of this Section;~~ and
- (3)(2) ~~detention officers and telecommunicators have~~ successfully completed the required training as set out in Sections .0500, .0600, or .1300 of this Subchapter within the probationary period.

(b) General certification is continuous from the date of issuance if:

- (1) ~~The~~ the certified officer remains continuously employed or appointed as an officer with an agency and the certification has not been terminated for cause; or
- (2) ~~The~~ the certified officer, having separated without a pending disciplinary action from an agency, is reemployed or reappointed as a justice officer within one year from the date of separation, and the certification has not been terminated for cause.

Authority G.S. 17E-4; 17E-7.

SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS

12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each deputy sheriff shall have completed with passing scores the accredited basic law enforcement training ~~course~~ program as prescribed in 12 NCAC 09B .0205 ~~prior to obtaining probationary certification.~~ within one year from the date of his or her Oath of Office. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest. If an officer has enrolled in an accredited basic law enforcement training program that concludes later than the end of the officer's probationary period, the Commission may extend the

probationary period for a period not to exceed 12 months. In determining whether to grant an extension, the Commission shall consider the circumstances that created the need for the extension and accept reasons related to medical and military events.

(b) Any applicant for certification who has completed a Commission-certified the accredited basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, program, shall complete a subsequent Commission-certified accredited basic law enforcement training program and pass the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. The Director shall waive this requirement to complete a subsequent Commission-certified accredited basic law enforcement training program and pass the State Comprehensive Examination and accept a basic law enforcement training program and pass the State Comprehensive Examination that was completed outside of the one year time period as set forth in this Rule unless if he or she the Director determines that a delay in applying for certification was not due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of the commission-certified accredited basic law enforcement training program completed by the applicant.

Authority G.S. 17E-4; 17E-7.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rules cited as 21 NCAC 32B .1361; and 32S .0226.

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

Proposed Effective Date: December 1, 2024

Public Hearing:

Date: September 30, 2024

Time: 11:00 a.m.

Location: The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840 Conference ID: 555372192#

Reason for Proposed Action: To implement G.S. 90-12.02, which allows military servicemembers and their spouses to obtain an expedited license under certain circumstances.

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

Comment period ends: September 30, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE

SECTION .1300 - GENERAL

21 NCAC 32B .1361 MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES

(a) A physician who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician servicemembers and spouses.

(b) An applicant for a military relocation license for physician servicemembers and spouses shall:

- (1) complete the Board's application attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
(2) submit documentation of a legal name change, if applicable;
(3) submit a photograph of the applicant that was taken in the last two years;
(4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
(5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse

- of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
- (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
- (11) submit two completed fingerprint record cards to the Board;
- (12) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A military relocation license shall remain active for the duration of the military orders for military service in this State and upon which the application was submitted. A military relocation license shall become inactive at the time the license holder relocates pursuant to military orders to reside in another state, when the military orders for military service in this State expire, or when the applicable servicemember separates from military service. All licensees with military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from military service.

(d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

- (e) A military relocation license may be converted to a full North Carolina license by applying for a full license with the Board via a separate application. The Board shall waive the application fee for a full license application if the application is submitted within one year of the issuance of the military relocation license. If an application is made to convert a military relocation license to a full license when the military relocation license is active, the military relocation license shall remain active during the full license application process and until the Board has made a licensing decision on the full license application.
- (f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.
- (g) All information required by this Rule shall be provided within one year of submitting the application.

Authority G.S. 90-12.02; 90-13.1.

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

21 NCAC 32S .0226 MILITARY RELOCATION LICENSE FOR PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES

(a) A physician assistant who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician assistant servicemembers and spouses.

(b) An applicant for a military relocation license for physician assistant servicemembers and spouses shall:

- (1) complete the Board's application attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) submit a photograph of the applicant that was taken in the last two years;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
- (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent

or otherwise exceed the requirements for licensure in this State;

- (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) submit two completed fingerprint record cards to the Board;
- (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
- (13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A military relocation license shall remain active for the duration of the military orders for military service in this State and upon which the application was submitted. A military relocation license shall become inactive at the time the license holder relocates pursuant to military orders to reside in another state,

when the military orders for military service in this State expire, or when the applicable servicemember separates from military service. All licensees with military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from military service.

(d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

(e) A military relocation license may be converted to a full North Carolina license by applying for a full license with the Board via a separate application. The Board shall waive the application fee for a full license application if the application is submitted within one year of the issuance of the military relocation license. If an application is made to convert a military relocation license to a full license when the military relocation license is active, the military relocation license shall remain active during the full license application process and until the Board has made a licensing decision on the full license application.

(f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.

(g) All information required by this Rule shall be provided within one year of submitting the application.

Authority G.S. 90-12.02; 21 NCAC 32S .0202(5).

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

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 03 - MARINE FISHERIES

SUBCHAPTER 03I – GENERAL RULES

SECTION .0100 – GENERAL RULES

Rule-making Agency: Marine Fisheries Commission

Rule Citation: 15A NCAC 03I .0123, .0124

Effective Date: July 5, 2024

Date Approved by the Rules Review Commission: June 26, 2024

Reason for Action: Session Law 2023-137, Section 6, requires that any person who recreationally harvests red drum, flounder, spotted seatrout (speckled trout), striped bass, and weakfish (gray trout) from coastal fishing waters, joint fishing waters, and inland fishing waters adjacent to coastal or joint fishing waters must report that harvest to the N.C. Division of Marine Fisheries (DMF). Additionally, it requires anyone holding a commercial fishing license who is engaged in a commercial fishing operation to report all fish harvested to DMF, regardless of sale. The legislation directs the Marine Fisheries Commission (MFC) and the Wildlife Resources Commission (WRC) to adopt temporary rules to implement the requirements and to adopt permanent rules to replace the temporary rules; the temporary rules shall remain in effect until permanent rules that replace the temporary rules become effective. On February 23, 2024, the MFC requested a waiver from the Rules Review Commission (RRC) of G.S. 150B-21.1(a2), which requires a temporary rule based upon a legislative change be submitted to the RRC within 210 days of the enactment of the legislation. Session Law 2023-137, Section 6 became law on October 10, 2023, and the MFC would have been required to submit temporary rules no later than May 7, 2024. At its February 28, 2024 meeting, the RRC voted to grant the MFC's waiver request to submit temporary rules, and thereby waived the 210-day requirement for temporary rulemaking for an additional 60 days from May 7, 2024 until July 6, 2024.

Starting December 1, 2024, anglers will be required to report their harvest. The legislation enacted new requirements for the MFC and WRC to implement, first via temporary rules and then via permanent rules that will require a fiscal note pursuant to G.S. 150B-21.4(b)(1); the fiscal note cannot be completed by the time the requirements become effective on December 1, 2024. The MFC and WRC proposed temporary rules to implement the requirements by the December 1, 2024 deadline and will propose permanent rules to replace the temporary rules. This two-step process also provides an opportunity for the agencies to develop and implement a reporting process and platform, and an opportunity for anglers to use them. Then the agencies can take the information gained from the initial phase of implementation to fine tune the requirements for the proposed permanent rules.

15A NCAC 03I .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS

(a) Pursuant to Under G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish by any means, followed by a reduction of such fish to and reducing it to permanent possession, possession by not returning it to the water. Harvest shall be deemed complete:

- (1) if a vessel is used, when fish reach the any shore or a structure connected to the any shore; or
- (2) if a vessel is not used, at the moment a person is no longer engaged in fishing, when the person's fishing gear is stowed and no longer in use. The terms "gear" and "use" are defined in 15A NCAC 03I .0101.

(b) Any person holding a commercial fishing license engaged in a commercial fishing operation who completes the harvest harvest, as defined in Paragraph (a) of this Rule, of any fish in coastal or joint fishing waters shall report that harvest to a fish dealer licensed under G.S. 113-169.3 within 48 hours of harvest being complete, complete by providing information to the fish dealer, in accordance with Paragraph (b) of Rule .0114 of this Section, so the fish dealer can report the harvest as follows:

- (1) for fish sold, harvest shall be reported in accordance with the reporting recording requirements in G.S. 113-168.2 and recordkeeping requirements in Rule .0114 of this Section; and
- (2) for fish harvested but not sold, harvest shall be reported in accordance with the reporting recording requirements in G.S. 113-168.2 and in the same manner as provided in Rule .0114 of this Section for a transaction.

(c) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

History Note: Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52;
 Temporary Adoption Eff. July 5, 2024.

15A NCAC 03I .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS

(a) Pursuant to Under G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish by any means, followed by a reduction of such fish to and reducing it to permanent possession, possession by not returning it to the water. Harvest shall be deemed complete:

- (1) if a vessel is used, when fish reach ~~the~~ any shore or a structure connected to ~~the~~ any shore; or
- (2) if a vessel is not used, ~~at the moment a person is no longer engaged in fishing.~~ when the person's fishing gear is stowed and no longer in use. The terms "gear" and "use" are defined in 15A NCAC 03I .0101.

(b) Any person, other than a person holding a commercial fishing license engaged in a commercial fishing operation, who completes the ~~harvest~~ harvest, as defined in Paragraph (a) of this Rule, of a flounder, red drum, spotted seatrout, striped bass, or weakfish in coastal or joint fishing waters shall report that harvest. Harvest shall be reported ~~by either electronic reporting means required by the Division of Marine Fisheries~~ online at https://www.ncmarinefisheries.net, or by using a Division-issued report card containing the same information as is required to be reported online, as listed in Subparagraphs (b)(1) through (b)(7) of this Rule. Electronic reports shall be submitted at the time harvest is complete. Division-issued report cards shall be completed at the time harvest is complete and submitted electronically to the Division by midnight the day after harvest is ~~complete, except when~~ complete. When the day after harvest is complete is a Sunday or a federal holiday, electronic submission of a report card is due no later than midnight on the first day that is not a Sunday or a federal holiday. Harvest data to be reported shall include:

- (1) ~~person's valid N.C. North Carolina~~ North Carolina fishing license ~~number, number of the person who harvested the fish,~~ or if a that person does not have a valid N.C. North Carolina fishing license number, that person's first name, last name, and zip code of primary residence;
- (2) date of harvest;
- (3) species identification;
- (4) number of each species;
- (5) species length, if applicable;
- (6) area of harvest; and
- (7) type of gear used.

(c) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

History Note: Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52;

Temporary Adoption Eff. July 5, 2024.

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0422; 10D .0209, .0243, .0276*

Effective Date: *July 5, 2024*

Date Approved by the Rules Review Commission: *June 26, 2024*

Reason for Action:

15A NCAC 10C .0422 - To be consistent with the preferred management option for the Striped Mullet Fisheries Management Plan Amendment 2, the proposed rule amendment will reduce the

daily creel limit for Striped and White Mullet from 200 to 100 fish in aggregate and establish a limit of no more than 400 fish total per boat. The WRC was informed that the Division of Marine Fisheries (DMF) Director will be issuing a proclamation to reduce the creel limit of Mullet. Because the WRC does not have proclamation authority, a temporary rule is the quickest way to match the DMF creel limit and avoid angler confusion.

15A NCAC 10D .0209 - Buffalo Cove Game Land has acreage in both the western and northwestern deer zones. The current deer season framework for the game land is consistent with the western season. Changes to the deer rule for the 2024-2025 season shift the western blackpowder and gun season to begin two Saturdays before Thanksgiving and run for two weeks, and the gun season to begin the Saturday after Thanksgiving and run until January 1. Changes are needed to reflect the new 2024-2025 season framework on this game land and update season dates in the 2024-2025 Regulations Digest.

15A NCAC 10D .0243 - Kings Creek Game Land has acreage in both the western and northwestern deer zones. The current deer season framework for the game land is consistent with the western season. Changes to the deer rule for the 2024-2025 season shift the western blackpowder and gun season to allow the blackpowder season to begin two Saturdays before Thanksgiving and run for two weeks, and the gun season to begin the Saturday after Thanksgiving and run until January 1. Changes are needed to reflect the new 2024-2025 season framework on this game land and update season dates in the 2024-2025 Regulations Digest.

15A NCAC 10D .0276 - South Mountain Game Land has acreage in both the western and northwestern deer zones. The current deer season framework for the game land is consistent with the western season. Changes to the deer rule for the 2024-2025 season shift the western blackpowder and gun season to allow the blackpowder season to begin two Saturdays before Thanksgiving and run for two weeks, and the gun season to begin the Saturday after Thanksgiving and run until January 1. Changes are needed to reflect the new 2024-2025 season framework on this game land and update season dates in the 2024-2025 Regulations Digest.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0400 – NONGAME FISH IN INLAND FISHING WATERS

15A NCAC 10C .0422 STRIPED MULLET AND WHITE MULLET

- (a) The daily creel limit for striped mullet and white mullet is ~~200~~ 100 fish per person in aggregate and no more than 400 fish per boat.
- (b) There is no minimum size limit.
- (c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;

Temporary Adoption Eff. September 1, 2022;

Eff. March 15, 2023;

Temporary Amendment Eff. July 5, 2024.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0200 - USE OF GAME LANDS

15A NCAC 10D .0209 BUFFALO COVE GAME LAND IN CALDWELL AND WILKES COUNTIES

Buffalo Cove game land is a Seven Days per Week Area. The following shall apply:

- (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the open hunting days from the ~~Monday before~~ Saturday after Thanksgiving Day through the ~~third Saturday after Thanksgiving~~ January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment ~~on open days~~ beginning the Saturday on or nearest September 10 through the ~~Sunday~~ day immediately preceding the Blackpowder Firearms Season described in this rule and the ~~Sunday immediately following the closing of Blackpowder Firearms Season described in this rule through the Sunday before Thanksgiving Day~~. Deer with visible antlers may be taken with archery equipment the ~~Sunday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1~~ Rule. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms ~~on open days~~ beginning two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule the ~~Monday on or nearest October 1~~ through the ~~Saturday of the second week~~ Friday thereafter.
- (2) Deer of either sex Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (3) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (4) Target shooting is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Temporary Amendment Eff. July 5, 2024.

15A NCAC 10D .0243 KINGS CREEK GAME LAND IN CALDWELL AND WILKES COUNTIES

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

- (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the open hunting days from the ~~Monday~~ Saturday before after Thanksgiving Day through the ~~third Saturday after Thanksgiving~~ January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 ~~to~~

~~through the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. day immediately preceding the Blackpowder Firearms Season described in the Rule. Deer with visible antlers may be taken with archery equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the Saturday of the second week Friday thereafter.~~

- (2) Deer of either sex Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Temporary Amendment Eff. July 5, 2024.

15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, MCDOWELL, AND RUTHERFORD COUNTIES

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

- (1) The Deer With Visible Antlers ~~season~~ Season for deer begins on the Saturday after Thanksgiving Day through the ~~third Saturday after Thanksgiving~~ January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment ~~on open days~~ beginning the Saturday on or nearest September 10 through the ~~Sunday~~ day immediately preceding the Blackpowder Firearms Season described in this rule and the ~~Sunday immediately following the closing of Blackpowder Firearms Season described in this rule through the Sunday before Thanksgiving Day~~. Deer with visible antlers may be taken with archery equipment the ~~Sunday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1~~ Rule. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms ~~on open days~~ beginning the ~~Monday on or nearest October 1~~ two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the ~~Saturday of the second week~~ Friday thereafter.
- (2) Deer of either sex Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.

TEMPORARY RULES

- (3) Horseback riding is prohibited except on designated trails during the following dates:
 - (a) January 2 through March 31;
 - (b) May 16 through August 31;
 - (c) Sundays only - April 1 through May 15; and
 - (d) Sundays only - September 1 through January 1.
- (4) Target shooting is prohibited.
- (5) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (6) The maximum period of consecutive overnight camping at any posted and designated camping area is 14 days within any 30-day period.

implementation to refine the requirement for the permanent rules as needed.

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0200 - GENERAL REGULATIONS

15A NCAC 10C .0218 HARVEST REPORTING REQUIREMENTS

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

- (1) "Division" means the N.C. North Carolina Division of Marine Fisheries.
- (2) "inland fishing waters adjacent to joint or coastal fishing waters" means inland fishing waters upstream of joint or coastal fishing waters of the Roanoke, Tar, Neuse, and Cape Fear rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95 except in the Lumber River and its tributaries.
- (3) "harvest" means catching or taking a fish and reducing it to permanent possession- possession by not returning it to the water.

(b) An individual who harvests the following species species, from joint fishing waters or inland fishing waters adjacent to joint or coastal fishing waters waters, shall report the information required in Rule 15A NCAC 03I .0124(b) to the Division at <https://www.ncmarinefisheries.net> or record the harvest on a Division-issued report card when harvest is complete:

- (1) flounder;
- (2) red drum;
- (3) spotted seatrout;
- (4) striped bass; and
- (5) weakfish.

(c) Individuals using a Division-issued report card shall report the information electronically at <https://www.deq.nc.gov/about/divisions/marine-fisheries> <https://www.ncmarinefisheries.net> by midnight the day after harvest is complete. in a manner consistent with requirements of Rule 15A NCAC 03I .0124(b).

(d) An individual shall not remove the head or tail or otherwise change the appearance of the fish to render it impractical to identify, count, or measure while fishing or afield and until harvest has been recorded or reported.

(e) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

History Note: Authority G.S. 113-134; 113-170.3; Temporary Adoption Eff. July 5, 2024.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Temporary Amendment Eff. July 5, 2024.

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0218*

Effective Date: *July 5, 2024*

Date Approved by the Rules Review Commission: *June 26, 2024*

Reason for Action: *Session Law 2023-137, Section 6, requires that any person who recreationally harvests red drum, flounder, spotted seatrout (speckled trout), striped bass, and weakfish (gray trout) from coastal fishing waters, joint fishing waters, and inland fishing waters adjacent to coastal or joint fishing waters report that harvest to the N.C. Division of Marine Fisheries. The law directs the Marine Fisheries Commission and the Wildlife Resources Commission to adopt temporary rules to implement the requirements. The temporary rules will remain in effect until permanent rules that replace the temporary rules become effective. NOTE: On February 27, 2024, the WRC submitted a request to the RRC to waive the 210-day requirement for temporary rulemaking after the enactment of legislation. The RRC approved the waiver at their February 28, 2024 meeting and provided an additional 60 days for adoption of temporary rules, moving the deadline from May 7, 2024 until July 6, 2024.*

Beginning December 1, 2024, recreational anglers will be required to report their harvest of red drum, flounder, spotted seatrout (speckled trout), striped bass and weakfish (gray trout). S.L. 2023-137 created their harvest reporting requirements for the MFC and WRC to implement, first via temporary rule and then via permanent rule. Temporary rules have been adopted by the MFC and WRC as required. Permanent rules to replace the temporary rules will be adopted as required once the agencies can take the information gained from the initial phase of

Rule-making Agency: *Interpreter and Transliterator Licensing Board*

Rule Citation: *21 NCAC 25 .0202*

Effective Date: *July 5, 2024*

Date Approved by the Rules Review Commission: *June 26, 2024*

Reason for Action: *The North Carolina Interpreter and Transliterator Licensing Board is submitting this temporary rule to align with what is required in the statute changes, as outlined in HB 600, to implement the provisions of act. The statute directs the North Carolina Interpreter and Transliterator Licensing Board to make temporary rules. The Board has gone through the necessary steps of holding a public hearing regarding this proposed rule.*

SECTION .0200 – LICENSING

21 NCAC 25 .0202 THE APPLICATION PACKAGE AND REQUIREMENTS FOR LICENSURE

(a) An applicant for licensure shall submit the following materials to the Board:

- (1) A completed, signed, and dated application in the format provided by the Board;
- (2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
- (3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
- (4) The applicant's signed, written consent to a criminal record check;
- (5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts necessary to cover the cost of charged by the Department of Public Safety for all necessary local, State and federal criminal record checks; and
- (6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.

~~(b) An applicant for an initial license under S.L. 2002-182, s. 7, as amended by S.L. 2003-56, shall submit the following materials to the Board:~~

- ~~(1) Written verification that the applicant was actively engaged as an interpreter or transliterator in this State for at least 200 hours for each of the two years immediately preceding 31 October 2002. The written verification must be signed by the individual who paid or approved payment for the services or the individual who supervised the applicant when the services were rendered;~~

- ~~(2) Letters of recommendation from any two individuals who are:~~
 - ~~(A) Interpreters who hold valid National Association of the Deaf level 4 or 5 certifications; or~~
 - ~~(B) Interpreters who are nationally certified by the Registry of Interpreters for the Deaf, Inc.; or~~
 - ~~(C) Transl iterators who have national certifications recognized by the National Cued Speech Association ("NCSA"); or~~
 - ~~(D) Interpreters who hold quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classifications in effect on January 1, 2000; or~~
 - ~~(E) Consumers of interpreter or transliterator services who have observed the applicant's performance as an interpreter or transliterator; or~~
 - ~~(F) The parent or legal guardian of a deaf consumer of interpreter or transliterator services who has observed the applicant's performance as an interpreter or transliterator.~~

(e)(b) Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a full license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
- (2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.
- (3) Meets one of the following criteria:
 - (A) Is nationally certified by the Registry of Interpreters for the Deaf, Inc., (RID).
 - (B) Holds a valid Testing, Evaluation and Certification Unit, Inc. (TECUnit) national certification in cued language transliteration.
 - (C) Holds a current Cued Language Transliterator State Level Assessment (CLTSLA) level 3 or above classification.
 - (D) Holds a Board of Evaluation of Interpreters (BEI) Board for Evaluation of Interpreters (BEI) assessment of Advanced or above.
 - (E) A Deaf Interpreter who holds a Board of Evaluation of Interpreters (BEI)

Board for Evaluation of Interpreters (BEI) intermediary certificate level IV or above.

~~(d)~~(c) Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a one-time provisional license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
- (2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.
- (3) Completes two continuing education units approved by the Board. These units must be completed for each renewable year.
- (4) Holds at least a two-year associate degree in interpreting from an accredited institution and satisfies one the following:
 - (A) Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.
 - (B) Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.
 - (C) Holds a current Educational Interpreter Performance Assessment (EIPA) level 3.5 or above classification.
 - (D) Holds a ~~Board of Evaluation of Interpreters (BEI)~~ Board for Evaluation of Interpreters (BEI) assessment of Basic.
 - (E) A Deaf Interpreter who holds a ~~Board of Evaluation of Interpreters (BEI)~~ Board for Evaluation of Interpreters (BEI) intermediary certificate level III.

~~(e)~~(d) Upon application to the Board, payment of the required fees under 21 NCAC 25 .0203(a), and meeting the requirements for a provisional license under Subparagraphs (c)(1) and (c)(2) of this Rule, is 18 years of age or older, and is of good moral character as determined by the Board, the Board may shall also issue a provisional license to any of the following categories of persons seeking a one-time provisional license:

- (1) A deaf interpreter who completes 16 hours of training in interpreting coursework or workshops, including role and function or ethics, and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services.
- (2) An oral interpreter who completes a total of 40 hours of training in interpreting coursework or workshops related to oral interpreting.
- (3) A cued language transliterator who holds a current TECUnit Cued language Transliterator State Level Assessment (CLTSLA) level 2 or above classification.
- (4) A person providing interpreting or transliterating services who has a recognized credential from another state in the field of interpreting or transliterating.
- (5) An interpreter or transliterator who has accumulated at least 200 hours per year in the provision of interpreting or transliterating services, in this State or another state, totaling at least 400 hours for the two years immediately preceding the date of the application. An applicant must provide documentation of hours when applying for a provisional license under this category, subject to verification by the Board.

~~(f)~~(e) Paragraphs (b) - (d) of this Rule applies to licenses and provisional licenses issued or renewed by the North Carolina Interpreter and Transliterator Licensing Board on or after October 1, 2023.

History Note: Authority G.S. 90D-6; 90D-7; 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56; Eff. March 21, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017; Temporary Amendment Eff. June 1, 2024.

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 June 26, 2024.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

MEDICAL CARE COMMISSION

<u>List of Definitions</u>	10A NCAC 13F .0102*	38:11 NCR
<u>Qualifications of Manager</u>	10A NCAC 13F .0402	38:11 NCR
<u>Qualifications of Activity Director</u>	10A NCAC 13F .0404	38:11 NCR
<u>Qualifications of Personal Care Aide Supervisor</u>	10A NCAC 13F .0408	38:11 NCR
<u>Management of Facilities - General Administrator and Mana...</u>	10A NCAC 13F .0601*	38:11 NCR
<u>Management of Facilities with a Capacity or Census of Sev...</u>	10A NCAC 13F .0602*	38:11 NCR
<u>Management of Facilities with a Census of 31 to 81 Residents</u>	10A NCAC 13F .0603	38:11 NCR
<u>Management of Facilities with a Census of 81 or More Resi...</u>	10A NCAC 13F .0604*	38:11 NCR
<u>General Staffing Requirements for Adult Care Homes</u>	10A NCAC 13F .0605*	38:11 NCR
<u>Staffing for Facilities with a Census of Seven to Twelve ...</u>	10A NCAC 13F .0606	38:11 NCR
<u>Staffing for Facilities with a Census of 13 to 20 Residents</u>	10A NCAC 13F .0607	38:11 NCR
<u>Staffing for Facilities with a Census of 21 or More Resid...</u>	10A NCAC 13F .0608	38:11 NCR
<u>Personal Care Aide Supervisors</u>	10A NCAC 13F .0609*	38:11 NCR
<u>List of Definitions</u>	10A NCAC 13G .0102*	38:11 NCR
<u>Qualifications of Activity Coordinator</u>	10A NCAC 13G .0404	38:11 NCR
<u>Management and Other Staff</u>	10A NCAC 13G .0601	38:11 NCR

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Citizenship</u>	12 NCAC 09G .0202	38:18 NCR
<u>Minimum Standards for Correctional Officers</u>	12 NCAC 09G .0208*	38:18 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Gasoline Service Stations and Dispensing Facilities</u>	15A NCAC 02Q .0802*	38:13 NCR
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SECRETARY OF STATE, DEPARTMENT OF THE

<u>Electronic Notary Public Registration Form</u>	18 NCAC 07B .0404	38:18 NCR
<u>Form Notifying Department of Selection of Technology Prov...</u>	18 NCAC 07B .0405	38:18 NCR
<u>Notice to Department of Change by Electronic Notary in Te...</u>	18 NCAC 07B .0406	38:18 NCR
<u>Electronic Notary Course</u>	18 NCAC 07F .0303	38:18 NCR
<u>Submission</u>	18 NCAC 07F .0401	38:18 NCR
<u>Notice of Department's Actions for Qualified Electronic N...</u>	18 NCAC 07F .0503	38:18 NCR
<u>Oaths Timing</u>	18 NCAC 07F .0505	38:18 NCR
<u>Evidence of Identity</u>	18 NCAC 07F .0506	38:18 NCR
<u>Certificate Delivery</u>	18 NCAC 07F .0507	38:18 NCR
<u>Registration Effective Date</u>	18 NCAC 07F .0508	38:18 NCR
<u>Registration Effective Date</u>	18 NCAC 07F .0509	38:18 NCR
<u>Confirmation of Electronic Notary Status</u>	18 NCAC 07F .0512	38:18 NCR
<u>Performing Electronic and Remote Electronic Notarial Acts</u>	18 NCAC 07F .0513	38:18 NCR
<u>Notice to Department of Technology Provider</u>	18 NCAC 07F .0601	38:18 NCR

APPROVED RULES

<u>Perimeter</u>	18 NCAC 07F .0806	38:18 NCR
<u>Contents of Electronic Notary Seal</u>	18 NCAC 07F .0807	38:18 NCR
<u>Form</u>	18 NCAC 07F .0903	38:18 NCR
<u>Registration</u>	18 NCAC 07F .0906	38:18 NCR
<u>Presence Requirement for Remote Electronic Notarization</u>	18 NCAC 07F .1102	38:18 NCR
<u>Notice of Changes</u>	18 NCAC 07F .1106	38:18 NCR
<u>Ceasing to Use a Technology Provider</u>	18 NCAC 07F .1109	38:18 NCR
<u>Notice of Cancellation by Provider</u>	18 NCAC 07F .1110	38:18 NCR
<u>Content of Notice</u>	18 NCAC 07F .1111	38:18 NCR
<u>Additional Journal Contents for Remote Electronic Notariz...</u>	18 NCAC 07I .0303	38:18 NCR
<u>Party Request for Inclusion of Additional Information in ...</u>	18 NCAC 07I .0305	38:18 NCR
<u>Pre-Populated Data to be Confirmed by Notary Public</u>	18 NCAC 07I .0406	38:18 NCR

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

<u>Teachers' and State Employees' Retirement System Overpaym...</u>	20 NCAC 02B .0215*	38:11 NCR
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LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

<u>Local Government Employees' Retirement System Overpayment...</u>	20 NCAC 02C .0212*	38:11 NCR
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TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

<u>Short-Term Disability and Extended Short-Term Disability ...</u>	20 NCAC 02O .0104*	38:11 NCR
<u>Short-Term Disability Notification Date</u>	20 NCAC 02O .0105*	38:11 NCR
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MEDICAL BOARD

<u>Continuing Education (CE)</u>	21 NCAC 32M .0107*	38:14 NCR
<u>Continuing Medical Education (CME) Required</u>	21 NCAC 32R .0101	38:14 NCR
<u>Continuing Medical Education</u>	21 NCAC 32S .0216	38:14 NCR

NURSING, BOARD OF

<u>Continuing Education (CE)</u>	21 NCAC 36 .0807*	38:14 NCR
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TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13F .0102 LIST OF DEFINITIONS

As used in this Subchapter, the following definitions shall apply:

- (1) "Abuse" means the term as defined in G.S. 131D-2.1.
- (2) "Activities of daily living" or "ADL's" means eating, dressing, bathing, toileting, bowel and bladder control, transfers, ambulation, and communication.
- (3) "Acute care needs" means symptoms or a condition that develops quickly and is not a part of the resident's baseline health or mental health status or is a change or worsening in the symptoms of a resident's chronic condition, which may have a slower onset and worsen over time.

- (4) "Administrator" means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- (5) "Adult care home" means the term as defined in G.S. 131D-2.1.
- (6) "Alternative examination" means a test developed and administered by the Department to meet the educational requirements of an activity director, administrator-in-charge, manager, or personal care aide supervisor for those applicants who do not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1, 2024.
- (7) "Aide duty" means time spent by qualified staff providing assistance with activities of daily living, medication administration, or supervision of residents as determined by the resident's assessment, care plan, physician's orders, and current symptoms.

- (8) "Department" means the North Carolina Department of Health and Human Services.
- (9) "Discharge" means a resident's termination of their residency at the adult care home, resulting in the resident's move to another location.
- (10) "Exploitation" means the term as defined in G.S. 131D-2.1.
- (11) "Facility" means a licensed adult care home.
- (12) "First shift" means the hours of work between 7:01 a.m. and 3:00 p.m.
- (13) "Food service duties" means tasks performed by staff related to serving meals to residents, including assisting with food preparation, arranging and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- (14) "Housekeeping duties" means tasks performed by staff such as cleaning and sanitizing facility common areas and resident rooms.
- (15) "Legal representative" means a person authorized by state or federal law (including, but not limited to, power of attorney, legal guardian, or representative payee) to act on behalf of the resident to support the resident in decision-making; access medical, social, or other personal information of the resident; and manage financial matters or receive notifications.
- (16) "Long-term care" means a continuum of care and services available in an individual's community that provides the care and support required during a persistent or chronic health condition, such as when a person is unable to independently perform some or all activities of daily living or requires supervision due to physical or cognitive impairment.
- (17) "Manager" means an individual responsible for the day-to-day operation of an adult care home in the absence of the administrator and under the direction and supervision of the administrator as described in Rule .0402 of this Subchapter.
- (18) "Medication aide" means an individual who administers medications to residents and meets all requirements as set forth in Rule .0403 of this Subchapter.
- (19) "Neglect" means the term as defined in G.S. 131D-2.1.
- (20) "On-call" means able to be contacted by two-way telecommunication.
- (21) "On-duty" in reference to an administrator means the administrator is on-site and directly responsible for the day-to-day operations of a facility. "On-duty" in reference to a manager means a manager designated by the administrator as required in Rule .0402 of this Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility under the direction and supervision of the administrator.
- (22) "Personal care aide" means a staff member who performs personal care services as defined by G.S. 131D-2.1.
- (23) "Physical restraint" means any physical or mechanical device attached to or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or normal access to one's body.
- (24) "Physician extender" means a licensed physician assistant or a licensed nurse practitioner.
- (25) "Resident" means the term as defined in G.S. 131D-2.1.
- (26) "Responsible person" means a person chosen by the resident to act on their behalf to support the resident in decision-making; have access to medical, social, or other personal information of the resident; manage financial matters; or receive notifications.
- (27) "Second shift" means the hours of work between 3:01 p.m. and 11:00 p.m.
- (28) "Staff" means any person who performs duties as an employee, paid or unpaid, on behalf of the adult care home.
- (29) "Supervision" means oversight, monitoring, and interventions implemented by the facility for the purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the health, safety, and welfare of the resident and other residents.
- (30) "Supervisor" means a personal care aide supervisor as defined in Rule .0609 of this Subchapter.
- (31) "Third shift" means the hours of work between 11:01 p.m. and 7:00 a.m.

History Note: Authority G.S. 131D-2.16; 143B-165; Eff. September 1, 2024.

10A NCAC 13F .0402 QUALIFICATIONS OF MANAGER

The facility shall designate a manager when the administrator is absent from the facility. The manager, is responsible for carrying out the day-to-day operations of an adult care home in the absence of the administrator. The administrator remains ultimately responsible for the adult care home, and the manager shall serve under the direction and supervision of the administrator. The manager shall meet the following requirements:

- (1) be 21 years or older;
- (2) be a high school graduate or certified under the G.E.D. program, or if hired before September 1, 2024, have passed the alternative examination established by the Department;
- (3) have six months training or experience related to management or supervision in long term care or health care settings or be a licensed health professional such as a mental health

- (4) professional, nurse practitioner, physician assistant, or registered nurse, a nursing home administrator certified pursuant to G.S. 90-276(4), or an assisted living administrator certified pursuant to G.S. 90-288.14; and earn 12 hours a year of continuing education credits in the management of adult care homes or care of the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness.

History Note: Authority G.S. 131D.2.16; 131D-4.5; 131D-25; 143B-165;
 Eff. January 1, 1977;
 Readopted Eff. October 31, 1977;
 Temporary Amendment Eff. December 1, 1999;
 Amended Eff. July 1, 2000;
 Temporary Amendment Eff. July 1, 2003;
 Amended Eff. June 1, 2004;
 Readopted Eff. September 1, 2024.

10A NCAC 13F .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR

Adult care homes shall have an activity director who meets the following qualifications:

- (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement by being a high school graduate or certified under the GED Program.
- (2) The activity director hired after September 30, 2022 shall complete, within nine months of employment or assignment to this position, the basic activity course for assisted living activity directors offered by community colleges or a comparable activity course as determined by the Department based on instructional hours and content. An activity director shall be exempt from the required basic activity course if one or more of the following applies:
 - (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act in accordance with G.S. 90C;
 - (b) have two years of experience working in programming for an adult recreation or activities program within the last five years, one year of which was full-time in an activities program for patients or residents in a health care or long term care setting;
 - (c) be a licensed occupational therapist or licensed occupational therapy assistant in accordance with G.S. 90, Article 18D;

- (d) be certified as an Activity Professional by the National Certification Council for Activity Professionals; or
- (e) the required basic activity course was completed prior to September 1, 2024.

History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;
 Eff. January 1, 1977;
 Readopted Eff. October 31, 1977;
 Amended Eff. April 1, 1987; April 1, 1984;
 Temporary Amendment Eff. July 1, 2003;
 Amended Eff. June 1, 2004;
 Temporary Amendment Eff. July 1, 2004;
 Amended Eff. July 1, 2005;
 Readopted Eff. October 1, 2022;
 Amended Eff. September 1, 2024.

10A NCAC 13F .0408 QUALIFICATIONS OF PERSONAL CARE AIDE SUPERVISOR

(a) Facilities with a census of 31 or more residents shall employ a Personal Care Aide Supervisor as defined in Paragraph (b) of this Rule. The term "Supervisor" as used throughout Section .0600 of this Subchapter refers to the Personal Care Aide Supervisor.

(b) A supervisor shall meet the following qualifications:

- (1) be 21 years or older;
- (2) be a high school graduate or certified under the G.E.D. program or if hired before September 1, 2024, have passed an alternative examination established by the Department;
- (3) meet the health requirements according to Rule .0406 of this Section;
- (4) have six months of experience in performing or supervising the performance of the duties to be supervised during the period of three years prior to July 1, 2000 or the date of hire, whichever is later, or be a licensed health professional such as a mental health professional, nurse practitioner, physician assistant, or registered nurse, or a nursing home administrator certified pursuant to G.S. 90-276(4);
- (5) meet the same minimum training and competency requirements of the aides being supervised; and
- (6) earn 12 hours a year of continuing education credits related to the care of the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 143B-165;
 Eff. September 1, 2024.

10A NCAC 13F .0601 MANAGEMENT OF FACILITIES - GENERAL ADMINISTRATOR AND MANAGER RESPONSIBILITIES

(a) Each adult care home shall have an administrator who is certified in accordance with Rule .1701 of this Subchapter. The administrator shall be responsible for the total operation and management of the facility to assure that all care and services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health Service Regulation and the county department of social services for complying with the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the home and for meeting and maintaining the rules of this Subchapter. The term "administrator" also refers to co-administrator where it is used in this Subchapter.

(b) An adult care home manager shall be responsible for carrying out the day-to-day operations and all required duties of an adult care home in the absence of an administrator.

(c) The administrator shall have knowledge of and shall ensure the following:

- (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as specified in Rule .1212(d) of this Subchapter;
- (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in Rule .1008 of this Subchapter;
- (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility, as required in Rule .1212(e)(2) and Rule .0906(f)(4) of this Subchapter; and
- (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death of a resident, as specified in Rule .1208 and Rule .1212 of this Subchapter.

(d) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

(e) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement authority.

(f) For facilities with a census of 7 to 30 residents, the manager or staff person on duty shall immediately notify the administrator of any of the circumstances listed in Paragraphs (c), (d), and (e) of this Rule.

(g) For facilities with a census of 31 or more, the manager or supervisor shall immediately notify the administrator of any of the circumstances listed in Paragraphs (c), (d), and (e) of this Rule.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.4; 131D-4.5; 131D-25; 143B-165; Eff. January 1, 1977; Readopted Eff. October 31, 1977; Amended Eff. July 1, 1990; April 1, 1987; April 1, 1984; Temporary Amendment Eff. January 1, 2000; December 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2003; Amended Eff. July 1, 2005; June 1, 2004; Readopted Eff. September 1, 2024.

10A NCAC 13F .0602 MANAGEMENT OF FACILITIES WITH A CAPACITY OR CENSUS OF SEVEN TO THIRTY RESIDENTS

In a facility with a census of greater than seven but less than 31 residents, there shall be one administrator or manager who is directly responsible for assuring that all required duties are carried out in the facility. One or more of the following arrangements shall be used to manage a facility with a census of seven to 30 residents:

- (1) the administrator is in the facility or within 500 feet of the facility with a means of two-way telecommunication with the facility at all times;
- (2) a manager is in the facility or within 500 feet of the facility with a means of two-way telecommunication with the facility at all times; or
- (3) when there is a cluster of licensed facilities, each with a census of 12 or fewer residents, there shall be at least one staff member, either live-in or on a shift basis in each of these facilities. In addition, there shall be at least one administrator or manager who is within 500 feet of each home with a means of two-way telecommunication with each facility at all times and directly responsible for assuring that all required duties are carried out in each facility. For the purpose of the rules in this Section, "a cluster of licensed facilities" means up to six licensed adult care homes which are under common ownership and are located adjacently on the same site.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 131D-25; 143B-165; Temporary Adoption Eff. January 1, 2000; Eff. July 1, 2000; Readopted Eff. September 1, 2024.

10A NCAC 13F .0603 MANAGEMENT OF FACILITIES WITH A CENSUS OF 31 TO 80 RESIDENTS

Each facility with a census of greater than 30 but less than 81 residents shall:

- (1) have an administrator on-call at all times when not in the building; and
- (2) have a manager on-duty in the facility when the administrator is not on-duty in the facility. The personal care aide supervisor, as required in Rule .0608 of this Section, may serve simultaneously as the manager.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 131D-25; 143B-165; Temporary Adoption Eff. January 1, 2000; December 1, 1999; Eff. July 1, 2000; Amended Eff. July 1, 2005; Readopted Eff. September 1, 2024.

10A NCAC 13F .0604 MANAGEMENT OF FACILITIES WITH A CENSUS OF 81 OR MORE RESIDENTS

- (a) For an adult care home with a census of 81 or more residents, there shall be an administrator on-duty at the facility at least eight hours per day, five days per week, and shall not serve simultaneously as a personal care aide supervisor or other staff to meet staffing requirements while on duty as an administrator or be an administrator for another adult care home. If there is more than one facility under the same ownership on a contiguous parcel of land or campus setting, and the combined licensed capacity of the facilities is 200 beds or less, there may be one administrator on duty for all the facilities on the campus. The administrator shall not serve simultaneously as a personal care aide supervisor or other staff in this campus setting.
- (b) When the administrator is not on-duty, there shall be a manager on-duty. The supervisor may serve simultaneously as the manager if the individual meets the qualifications required in Rule .0402 of this Subchapter. Each facility on a contiguous parcel of land or campus setting, as described in Paragraph (a) of this Rule, shall have a person designated as the manager in the facility when the administrator is not on-duty.
- (c) The administrator shall be on-call, at all times when not on-duty.

History Note: Authority G.S. 131D-2.16; 131D-4.5; 131D-25; 143B-165; Eff. January 1, 1977; Readopted Eff. October 31, 1977; Amended Eff. December 1, 1991; September 1, 1990; July 1, 1990; April 1, 1984; Temporary Amendment Eff. January 1, 2000; December 1, 1999; Amended Eff. July 1, 2005; July 1, 2000; Readopted Eff. September 1, 2024.

10A NCAC 13F .0605 GENERAL STAFFING REQUIREMENTS FOR ADULT CARE HOMES

- (a) Adult care homes shall staff based on the facility's resident census and provide staffing to meet the care and supervision needs of the residents in accordance with the rules of this Subchapter.
- (b) At no time shall residents be left alone without a staff member in the facility.
- (c) The facility shall maintain a daily census log which lists current residents by name, room assignment and date of admission, which shall be available for review by the Division of Health Service Regulation and the county departments of social services.
- (d) The facility shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S. 131D-4.3(a)(5). The information shall include:
 - (1) the name and contact information of the administrator and manager;
 - (2) the number of required supervisors on each shift; and
 - (3) the number of aides required on each shift.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165; Temporary Adoption Eff. January 1, 2000; December 1, 1999; Eff. July 1, 2000;

Readopted Eff. September 1, 2024.

10A NCAC 13F .0606 STAFFING FOR FACILITIES WITH A CENSUS OF SEVEN TO TWELVE RESIDENTS

- (a) In a facility with a census of greater than six but less than 13 residents, there shall be an administrator or manager in the facility or within 500 feet of the facility with a means of two-way telecommunication at all times.
- (b) When the administrator or manager is not on-duty, there shall be at least one staff member on-duty on the first and second shifts and at least one staff member available within the building, who need not be on-duty, on third shift. There shall be a call system connecting the bedroom of the available staff member, who may be asleep on the third shift, with each resident's bedroom. If there are residents in the facility who are disoriented or known to have wandering behavior, there shall be at least one staff member on-duty and awake at all times.
- (c) When the administrator or manager is on duty on the first or second shifts and available within the facility on third shift, another staff member (i.e., co-administrator, manager or aide) shall be in the building or within 500 feet of the facility with a means of two-way telecommunication at all times.
- (d) The administrator shall prepare a plan of operation for each licensed facility specifying the staff involved, their regularly assigned duties and the amount of time estimated to be spent for each duty. There shall be a current plan of operation on file in the facility, available for review by the Division of Health Service Regulation and the county department of social services.
- (e) Each facility shall assign at least one staff member per shift to provide personal care services and supervision of residents as needed by the residents. The staff member so assigned shall not perform food service duties during the shift of rendering care services and supervision. The staff member so assigned shall not perform housekeeping duties during the shift of rendering care services and supervision, except:
 - (1) between the hours of 7:00 a.m. and 9:00 p.m., and then only when the housekeeping duties are incidental to the rendering of care services; and
 - (2) between the hours of 9:00 p.m. and 7:00 a.m. and then only to the extent that the housekeeping duties do not hinder the assigned staff's duties of care or immediate response to residents, nor impede the assigned staff member's ability to monitor the residents.
- (f) There shall be additional staff to provide daily housekeeping and food service duties.
- (g) A cluster of facilities, each with capacity or census of 12 or fewer residents, shall comply with the following staffing:
 - (1) When there is a cluster of up to six licensed facilities located adjacently, there shall be at least one administrator or manager who lives within 500 feet of each of the facilities with a means of two-way telecommunication at all times.
 - (2) The administrator or manager on-duty shall be directly responsible for assuring that all required daily duties are carried out in each facility.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165; Temporary Adoption Eff. January 1, 2000; Eff. July 1, 2000; Readopted Eff. September 1, 2024.

10A NCAC 13F .0607 STAFFING FOR FACILITIES WITH A CENSUS OF 13 TO 20 RESIDENTS

- (a) In a facility with a census of greater than 12 but less than 21 residents, there shall be an administrator or manager in the facility or within 500 feet of the facility with a means of two-way telecommunication at all times.
- (b) When the administrator or manager is not on duty within the facility, there shall be at least one awake staff member on duty on the first, second, and third shifts.
- (c) When the administrator or manager is on duty within the facility, another staff member (i.e. co-administrator, manager or aide) shall be in the building or within 500 feet of the facility with a means of two-way telecommunication at all times and available to assist if needed.
- (d) Each facility shall assign at least one staff member per shift to provide personal care services and supervision of residents as needed by the residents. The staff member so assigned shall not perform food service duties during the shift of rendering care services and supervision. The staff member so assigned shall not perform housekeeping duties during the shift of rendering care services and supervision, except;
 - (1) between the hours of 7:00 a.m. and 9:00 p.m., and then only when the housekeeping duties are incidental to the rendering of care services; and
 - (2) between the hours of 9:00 p.m. and 7:00 a.m., and then only to the extent that the housekeeping duties do not hinder the assigned staff's duties of care or immediate response to residents, nor impede the assigned staff member's ability to monitor the residents.
- (e) There shall be additional staff to provide daily housekeeping and food service duties.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165; Eff. September 1, 2024.

10A NCAC 13F .0608 STAFFING FOR FACILITIES WITH A CENSUS OF 21 OR MORE RESIDENTS

- (a) Each facility with a census of 21 or more residents shall have staff on duty to meet the needs of the residents.
- (b) In addition to the requirement in Paragraph (a) of this Rule, each facility with a census of 21 or more residents shall comply with the following staffing requirements:
 - (1) On first shift and second shift, the total aide duty hours shall be at least:
 - (A) 16 hours of aide duty for facilities with a census of 21 to 40 residents.
 - (B) 20 hours of aide duty for facilities with a census of 41 to 50 residents.
 - (C) 24 hours of aide duty for facilities with a census of 51 to 60 residents.

- (D) 28 hours of aide duty for facilities with a census of 61 to 70 residents.
 - (E) 32 hours of aide duty for facilities with a census of 71 to 80 residents.
 - (F) 36 hours of aide duty for facilities with a census of 81 to 90 residents.
 - (G) 40 hours of aide duty for facilities with a census of 91 to 100 residents.
 - (H) 44 hours of aide duty for facilities with a census of 101 to 110 residents.
 - (I) 48 hours of aide duty for facilities with a census of 111 to 120 residents.
 - (J) 52 hours of aide duty for facilities with a census of 121 to 130 residents.
 - (K) 56 hours of aide duty for facilities with a census of 131 to 140 residents.
 - (L) 60 hours of aide duty for facilities with a census of 141 to 150 residents.
 - (M) 64 hours of aide duty for facilities with a census of 151 to 160 residents.
 - (N) 68 hours of aide duty for facilities with a census of 161 to 170 residents.
 - (O) 72 hours of aide duty for facilities with a census of 171 to 180 residents.
 - (P) 76 hours of aide duty for facilities with a census of 181 to 190 residents.
 - (Q) 80 hours of aide duty for facilities with a census of 191 to 200 residents.
 - (R) 84 hours of aide duty for facilities with a census of 201 to 210 residents.
 - (S) 88 hours of aide duty for facilities with a census of 211 to 220 residents.
 - (T) 92 hours of aide duty for facilities with a census of 221 to 230 residents.
 - (U) 96 hours of aide duty for facilities with a census of 231 to 240 residents.
- (2) On third shift, the total aide duty hours shall be at least:
 - (A) 8 hours of aide duty for facilities with a census of 21 to 30 residents.
 - (B) 16 hours of aide duty for facilities with a census of 31 to 60 residents.
 - (C) 24 hours of aide duty for facilities with a census of 61 to 90 residents.
 - (D) 32 hours of aide duty for facilities with a census of 91 to 120 residents.
 - (E) 40 hours of aide duty for facilities with a census of 121 to 150 residents.
 - (F) 48 hours of aide duty for facilities with a census of 151 to 180 residents.
 - (G) 56 hours of aide duty for facilities with a census of 181 to 210 residents.
 - (H) 64 hours of aide duty for facilities with a census of 211 to 240 residents.
 - (3) If the Department determines the needs of the residents at a facility are not being met by staffing requirements of Paragraph (b) of this Rule, the Department shall require the facility

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- to employ staff to meet the needs of the residents.
- (b) The aide shall provide personal care services and supervision needed by the residents.
- (c) Aides shall not provide housekeeping duties except:
- (1) Between the hours of 7:00 a.m. to 9:00 p.m.:
 - (A) to prevent an accident or injury;
 - (B) when occasionally attending to an individual resident housekeeping need; and
 - (C) when the number of aides on duty exceeds the minimum required by Paragraph (a) of this Rule.
 - (2) Between the hours of 9:00 p.m. to 7:00 a.m., as long as the housekeeping duties do not:
 - (A) hinder the aide's care of residents or immediate response to resident calls;
 - (B) do not disrupt the residents' normal lifestyles and sleeping patterns; and
 - (C) do not take the aide out of view of where the residents are as the aide shall be prepared to care for the residents since that remains his or her primary duty.
 - (d) Aides shall not be assigned food service duties except when providing assistance to individual residents who need help with eating and carrying plates, trays, or beverages to residents.
- (e) In addition to the staffing required for management and aide duties, there shall be additional staff to perform housekeeping and food service duties.

Note: The following chart illustrates the required aide, supervisory and management staffing requirements for each eight-hour shift in facilities with a census of 21 or more residents according to Rules .0602, .0603, .0604, .0608, and .0609 of this Section.

Census	Position Type	First Shift	Second Shift	Third Shift
21 - 30	Aide	16	16	8
	Supervisor	Not Required	Not Required	Not Required
	Administrator	In the building, or within 500 feet and immediately available.		
31-40	Aide	16	16	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
41-50	Aide	20	20	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
51-60	Aide	24	24	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
61-70	Aide	28	28	24
	Supervisor	8*	8*	4 hours within the facility/4 hours within 500 feet and immediately available.**
	Administrator	On call		
71-80	Aide	32	32	24
	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available.**
	Administrator	On call		
81-90	Aide	36	36	24
	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available.**

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	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
91-100	Aide	40	40	32
	Supervisor	8	8	8**
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
101-110	Aide	44	44	32
	Supervisor	8	8	8**
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
111-120	Aide	48	48	32
	Supervisor	8	8	8**
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
121-130	Aide	52	52	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
131-140	Aide	56	56	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
141-150	Aide	60	60	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
151-160	Aide	64	64	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
161-170	Aide	68	68	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
171-180	Aide	72	72	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
181-190	Aide	76	76	56
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
191-200	Aide	80	80	56
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
201-210	Aide	84	84	56
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
211-220	Aide	88	88	64
	Supervisor	16	16	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
221-230	Aide	92	92	64
	Supervisor	16	16	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
231-240	Aide	96	96	64
	Supervisor	24	24	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		

*Supervisor may conduct up to four hours of aide duty.

** Supervisor's time on duty in the facility may be counted as required aide duty if the facility is sprinklered

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;
Eff. September 1, 2024.

10A NCAC 13F .0609 PERSONAL CARE AIDE SUPERVISORS

(a) The personal care aide supervisor shall be responsible for the direct supervision of personal care aides, including those who administer medications, to assure that care and services are provided to residents by personal care aides in accordance with their training, the facility's policies and procedures, the licensure rules of this Subchapter, and Chapter 131D of the general statutes. The personal care aide supervisor shall also be responsible for observing personal care aides in the performance of their duties; instructing, correcting, and consulting with aides as needed; and reviewing documentation by aides.

(b) During the first and second shifts in facilities with a census of 31 or more residents, and on third shift in facilities with a census of 91 or more residents, the facility shall have supervisors on-duty during each shift as follows:

- (1) One supervisor on duty in the facility for less than 64 hours of aide duty per shift.
- (2) Two supervisors for 64 to less than 96 hours of aide duty per shift.
- (3) Three supervisors for 96 to less than 128 hours of aide duty per shift.

(c) Supervisors shall not provide hours of aide duty while servicing as a supervisor except as follows:

- (1) On third shift, in facilities with a census of 31 to 120 residents and a sprinkler fire suppression system.
- (2) On first and second shifts, up to four hours, in facilities with a census of 31 to 70 residents.
- (3) On first and second shifts, in facilities with a census of 71 or more residents in which some personal care duties are performed, but the time involved in performing any personal care cannot be counted as required aide hours.

(d) On third shift, in facilities with a census of 31 to 60 residents, the supervisor shall be in the facility or within 500 feet and immediately available, as defined in Rule .0608 of this Section.

(e) On third shift, in facilities with a census of 61 to 90 residents, the supervisor shall be on duty in the facility for at least four hours and within 500 feet and immediately available, as defined in Rule .0608 of this Section, for the remaining four hours.

(f) The supervisor on duty shall not serve simultaneously as the administrator but may serve simultaneously as the manager in the absence of the administrator.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165; Eff. September 1, 2024.

10A NCAC 13G .0102 LIST OF DEFINITIONS

In addition to the definitions set forth in G.S. 131D-2.1, the following definitions shall apply throughout this Subchapter:

- (1) "Abuse" as defined in G.S. 131D-2.1.
- (2) "Activities of daily living" means bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.
- (3) "Acute care needs" means symptoms or a condition that develops quickly and is not a part of the resident's baseline health or mental health

status or is a change or worsening in the symptoms of a resident's chronic condition, which may have a slower onset and worsen over time.

- (4) "Administrator" means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- (5) "Adult care home" means the term as defined in G.S. 131D-2.1.
- (6) "Alternative examination" means a test developed and administered by the Department to meet the educational requirements of an activity director or supervisor-in-charge for those applicants who do not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1, 2024.
- (7) "Aide duty" means time spent by qualified staff providing assistance with activities of daily living, medication administration, or supervision of residents as determined by the resident's assessment, care plan, physician's orders, and current symptoms.
- (8) "Ambulatory" means able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (9) "Department" means the North Carolina Department of Health and Human Services.
- (10) "Discharge" means a resident's termination of their residency at the adult care home, resulting in the resident's move to another location.
- (11) "Exploitation" means the term as defined in G.S. 131D-2.1.
- (12) "Facility" means a licensed family care home.
- (13) "Family care home" means the term as defined in G.S. 131D-2.1.
- (14) "First shift" means between the hours of 7:01 a.m. and 3:00 p.m.
- (15) "Food service duties" means tasks performed by staff related to serving meals to residents, including assisting with food preparation, arranging and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- (16) "Housekeeping duties" means tasks performed by staff such as cleaning and sanitizing facility common areas and resident rooms.
- (17) "Legal representative" means a person authorized by state or federal law (law including, but not limited to, power of attorney representative payee) to act on behalf of the resident to support the resident in decision-making; access medical, social, or other personal information of the resident; manage financial matters or receive notifications.
- (18) "Long-term care" means a continuum of care and services available in an individual's community that provides the care and support required during a persistent or chronic health condition, such as when a person is unable to independently perform some or all activities of

- daily living or requires supervision due to physical or cognitive impairment.
- (19) "Medication aide" means an individual who administers medications to residents and meets all requirements as set forth in Rule .0403 of this Subchapter.
- (20) "Neglect" means the term as defined in G.S. 131D-2.1.
- (21) "Non-ambulatory" means not able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (22) "On-call" means able to be contacted by two-way telecommunication.
- (23) "On-duty" in reference to an administrator means the administrator is on-site and directly responsible for the day-to-day operations of a facility. "On-duty" in reference to a supervisor-in-charge means a supervisor-in-charge designated by the facility as required in Rule .0402 of this Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility under the direction and supervision of the administrator.
- (24) "Personal care aide" means a staff member who performs personal care services as defined by G.S. 131D-2.1.
- (25) "Physical restraint" means any physical or mechanical device attached to or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or normal access to one's body.
- (26) "Physician extender" means a licensed physician assistant or licensed nurse practitioner.
- (27) "Resident" means the term as defined in G.S. 131D-2.1.
- (28) "Responsible person" means a person chosen by the resident to act on their behalf to support the resident in decision-making; have access to medical, social, or other personal information of the resident; manage financial matters; or receive notifications.
- (29) "Second shift" means between the hours of 3:01 p.m. and 11:00 p.m.
- (30) "Staff" means any person who performs duties as an employee, paid or unpaid, on behalf of the family care home.
- (31) "Supervision" means oversight, monitoring, and interventions implemented by the facility for the purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the health, safety, and welfare of the resident and other residents.
- (32) "Supervisor-in-charge" means an individual responsible for the total operation of a family care home in the absence of the administrator and under the direction and supervision of the administrator as described in Rule .0402 of this Subchapter.

- (33) "Third shift" means between the hours of 11:01 p.m. and 7:00 a.m.

History Note: Authority G.S. 131D-2.16; 143B-153; Eff. September 1, 2024.

10A NCAC 13G .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR

Adult care homes shall have an activity director who meets the following qualifications:

- (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement by being a high school graduate or certified under the GED Program.
- (2) The activity director hired after September 30, 2022 shall have complete, within nine months of employment or assignment to this position, the basic activity course for assisted living activity directors offered by community colleges or a comparable activity course as determined by the Department based on instructional hours and content. An activity director shall be exempt from the required basic activity course if one or more of the following applies:
- (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act in accordance with G.S. 90C;
 - (b) have two years of experience working in programming for an adult recreation or activities program within the last five years, one year of which was full-time in an activities program for patients or residents in a health care or long term care setting;
 - (c) be a licensed occupational therapist or licensed occupational therapy assistant in accordance with G.S. 90, Article 18D; or
 - (d) be certified as an Activity Professional by the National Certification Council for Activity Professionals; or
 - (e) the required basic activity course was completed prior to September 1, 2024.

History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165; Eff. April 1, 1984; Amended Eff. July 1, 1990; April 1, 1987; January 1, 1985; ARRC Objection Lodged March 18, 1991; Amended Eff. August 1, 1991; Temporary Amendment Eff. July 1, 2004; Amended Eff. July 1, 2005; Readopted Eff. October 1, 2022; Amended Eff. September 1, 2024.

10A NCAC 13G .0601 MANAGEMENT AND OTHER STAFF

(a) A family care home administrator who is approved in accordance with Rule .1501 of this Subchapter shall be responsible for the total operation and management of the facility to assure that all care and services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health Service Regulation and the county department of social services for complying with the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the facility and for meeting and maintaining the rules of this Subchapter. The term "administrator" also refers to co-administrator where it is used in this Subchapter.

(b) The administrator shall have knowledge of and shall ensure the following:

- (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as specified in Rule .1213(d) of this Subchapter;
- (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in Rule .1008 of this Subchapter;
- (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility as required in Rule .1213(e)(2) and Rule .0906(f)(4) of this Subchapter; and
- (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death of a resident as specified in Rule .1209 and Rule .1213 of this Subchapter.

(c) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

(d) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement authority.

(e) At all times the administrator or supervisor-in-charge shall be in the facility or within 500 feet of the facility with a means of two-way telecommunication. The administrator or supervisor-in-charge is directly responsible for assuring that all required duties are carried out in the facility and for assuring that at no time is a resident left alone in the facility without a staff member.

(f) When the administrator or supervisor-in-charge are not in the facility or within 500 feet of the facility, a staff person who meets the staff qualification requirements of this Subchapter shall be on duty in the facility. The staff person shall be on duty in the facility no more than eight hours per 24 hours and no more than 24 hours total per week.

(g) Additional staff shall be employed as needed for housekeeping and the supervision and care of the residents in accordance with the rules of this Subchapter.

(h) The facility shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S.131D-4.3(a)(5). The information shall include:

- (1) the name and contact information of the administrator and supervisor in charge;
- (2) the number of required supervisors on each shift; and

- (3) the number of aides required on each shift.

*History Note: Authority G.S. 131D-2.16; 131D-25; 143B-165;
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. July 1, 2005; July 1, 1990; April 1, 1987; April 1, 1984; June 26, 1980;
Readopted Eff. September 1, 2024.*

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09G .0202 CITIZENSHIP

*History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Repealed Eff. July 1, 2024.*

12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS

(a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the correctional officer is certified by the Commission.

(b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States, or have a U.S. Permanent Resident Card (Green Card) and have resided in the United States for at least three years;
- (2) be at least 18 years of age;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- (5) have had a medical examination as required by 12 NCAC 09G .0205;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties,

- satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s);
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
- (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division (Division) and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- (B) within 30 days of the qualifying event, notify the Division and the appointing agency head in writing of all criminal offenses which are dismissed or for which the officer 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 (correctional officers section) and offense of driving under the influence (DUI) or driving while impaired (DWI);
- (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
- (D) 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 as 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, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

- (c) Within 30 days of service, the agency head, provided he or she has knowledge of the correctional officer's arrests or criminal charges and final disposition, shall also notify the Standards Division of arrests, criminal charges and final dispositions.
- (d) Within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall notify the Standards Divisions of these orders.

History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023. Amended Eff. July 1, 2024.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02Q .0802 GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES

- (a) For the purpose of this Rule the following definitions shall apply:
- (1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
 - (2) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.
- (b) This Rule shall apply only to gasoline service stations and gasoline dispensing facilities that are in compliance with 15A NCAC 02D .0928.
- (c) Potential emissions from gasoline service stations and gasoline dispensing facilities shall be determined using actual gasoline throughput.
- (d) A gasoline service station or gasoline dispensing facility that has an annual throughput, on a calendar month rolling average basis, of less than 52,000,000 gallons shall be exempt from the requirements of 15A NCAC 02Q .0500.
- (e) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from 15A NCAC 02Q .0500 shall submit a report containing the information described in Paragraph (f) of this Rule if:
- (1) annual throughput exceeds 45,000,000 gallons, by the end of the month following the month that throughput exceeds 45,000,000 gallons and every 12 months thereafter;

- (2) annual throughput exceeds 50,000,000 gallons, by the end of the month following the month that throughput exceeds 50,000,000 gallons and every six months thereafter; or
 - (3) annual throughput equals or exceeds 52,000,000 gallons, by the end of the month following the month that throughput equals or exceeds 52,000,000 gallons and shall submit a permit application pursuant to 15A NCAC 02Q .0500.
- (f) The report required by Paragraph (e) of this Rule shall include:
- (1) the name and location of the gasoline service station or gasoline dispensing facility;
 - (2) the annual throughput of gasoline for each of the 12-month periods ending on each month since the previous report was submitted, including monthly gasoline throughput for each month required to calculate the annual gasoline throughput for each 12-month period; and
 - (3) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (g) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of annual throughput to the Director upon request. The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document annual throughput for all 12-month periods during the previous three years.
- (h) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108; Eff. August 1, 1995; Readopted Eff. April 1, 2018; Amended Eff. July 1, 2024.

TITLE 18 - DEPARTMENT OF THE SECRETARY OF STATE

18 NCAC 07B .0404 ELECTRONIC NOTARY PUBLIC REGISTRATION FORM

An electronic notary public applicant registration form includes:

- (1) the name on the applicant's commission;
- (2) the applicant's commission number;
- (3) whether the applicant has any changes to report under G.S. 10B-50, G.S. 10B-51, G.S. 10B-52, G.S. 10B-53, G.S. 10B-54, 18 NCAC 07F .0403, 18 NCAC 07F .1106, 18 NCAC 07F .1109, or 18 NCAC 07F .1110;
- (4) for reapplications, a statement with regard to technology providers that:
 - (a) the notary will continue to use:
 - (i) the electronic notarization system of the technology

- provider for which the notary has previously provided notice; and
- (ii) the custodian for the electronic journal for which the notary has previously provided notice;
- (b) the names of the technology provider that the notary will now use; or
- (c) at this time, the notary does not have a technology provider;
- (5) the signature of the electronic notary applicant; and
- (6) the date on which the applicant signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY ELECTRONIC NOTARIES

The form notifying the Department of the selection of technology providers by an electronic notary public includes:

- (1) the name on the notary's commission;
- (2) the notary's commission number;
- (3) the name of the technology providers selected by the notary to provide:
 - (a) electronic signatures;
 - (b) electronic seals; and
 - (c) electronic journals;
- (4) the name of the custodian selected by the notary to provide custodial services for electronic journals;
- (5) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
- (6) the anticipated dates on which the notary will begin using the technology providers;
- (7) the signature of the notary; and
- (8) the date on which the notary signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-134.23; Eff. March 1, 2025.

18 NCAC 07B .0406 NOTICE TO DEPARTMENT OF CHANGE BY ELECTRONIC NOTARY IN TECHNOLOGY PROVIDER

The notice to the Department of change by an electronic notary in technology provider form includes:

- (1) the name of the technology provider that the electronic notary previously notified the Department the notary would use;
- (2) the type of service the technology provider previously provided to the notary;
- (3) the date on which the notary stopped or will stop using the technology provider to perform electronic notarizations;

- (4) the name of the technology provider that the notary will now use;
- (5) the date on which the notary anticipates beginning to use the new technology provider;
- (6) the signature of the notary; and
- (7) the date on which the notary signs the form.

*Transferred from 18 NCAC 07C .0202(a),(b),(c),(d) Eff. June 1, 2023;
Repealed Eff. March 1, 2025.*

18 NCAC 07F .0509 REGISTRATION EFFECTIVE DATE

The applicant's electronic notary public registration shall be effective as of the date stated on the registration certificate.

History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0512 CONFIRMATION OF ELECTRONIC NOTARY STATUS

Upon electronic request of a technology provider, the Department shall report a notary public's status as an electronic notary public registered to perform electronic and remote electronic notarizations.

History Note: Authority G.S. 10B-4; 10B-106; 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0513 PERFORMING ELECTRONIC AND REMOTE ELECTRONIC NOTARIAL ACTS

A notary public shall not perform any electronic or remote electronic notarial act until:

- (1) the notary has received the electronic notary registration certificate; and
- (2) the electronic notary public has provided notice to the Department of all technology providers pursuant to Rule .0601 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0601 NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER

An electronic notary public shall use the form described in 18 NCAC 07B .0405 to provide notice to the Department of all technology providers used:

- (1) to affix the electronic notary's electronic signature;
- (2) to affix the electronic notary's seal;
- (3) as the means to create and maintain the electronic notary's electronic journal and a backup copy of the journal;
- (4) as the custodian of the electronic notary's journal; and
- (5) as the platform that the electronic notary will use if the notary intends to perform remote notarial acts.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

Before performing a remote electronic notarization, electronic notaries public registered prior to July 1, 2024, shall either:

- (1) successfully complete a remote electronic notarization course module; or
- (2) successfully complete an electronic notary class including training on remote electronic notarization.

History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0401 SUBMISSION

The electronic notary applicant shall electronically submit the electronic notary registration form, described at 18 NCAC 07B .0404.

*History Note: Authority G.S. 10B-4; 10B-106; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0201(b) Eff. June 1, 2023;
Amended Eff. March 1, 2025.*

18 NCAC 07F .0503 NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ELECTRONIC NOTARY APPLICANTS

The Department shall notify the notary public that the notary is qualified by electronically issuing an electronic notary registration certificate to the electronic notary public.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025.

**18 NCAC 07F .0505 OATHS TIMING
18 NCAC 07F .0506 EVIDENCE OF IDENTITY
18 NCAC 07F .0507 CERTIFICATE DELIVERY
18 NCAC 07F .0508 REGISTRATION EFFECTIVE DATE**

*History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;*

18 NCAC 07F .0806 PERIMETER

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(f) Eff. June 1, 2023;
Repealed Eff. March 1, 2025.

18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL

An electronic notary public shall ensure that the electronic notary's electronic notary seal has:

- (1) a visible border:
 - (a) having a physical appearance of the seal that replicates the appearance of an inked seal on paper;
 - (b) with the size and shape required by G.S. 10B-37(c); and
 - (c) that includes an identifier assigned by the Department to the producer of the electronic seal; and
- (2) inside its border:
 - (a) the information required by G.S. 10B-117(1), (2), and (4);
 - (b) the words:
 - (i) "State of North Carolina";
 - (ii) "North Carolina"; or
 - (iii) the abbreviation "N.C.";
 - (c) the name of the county of commission with either:
 - (i) the word "County"; or
 - (ii) the abbreviation "Co."; and
 - (d) the expiration date of the electronic notary's commission.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023;
Amended Eff. March 1, 2025.

18 NCAC 07F .0903 FORM

An electronic notary public shall use the form described in 18 NCAC 07B .0404 to apply for reregistration as an electronic notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .0906 REGISTRATION

Section .0500 of this Subchapter shall apply to an electronic notary applicant who is reregistered as an electronic notary public.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .1102 PRESENCE REQUIREMENT FOR REMOTE ELECTRONIC NOTARIZATION

When an electronic notary public performs a remote electronic notarization, the remotely located principal shall appear before the electronic notary at the time of notarization using communication technology.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;

Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0601 Eff. June 1, 2023;
Amended Eff. March 1, 2025.

18 NCAC 07F .1106 NOTICE OF CHANGES

Within 10 business days of an electronic notary public choosing to use a different technology provider, an electronic notary shall notify the Department using the form described in 18 NCAC 07B .0406.

History Note: Authority G.S. 10B-4; 10B-106(f); 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .1109 CEASING TO USE A TECHNOLOGY PROVIDER

An electronic notary public shall notify the Department within 10 business days of the date on which:

- (1) the electronic notary cancels a contract or subscription with a technology provider; or
- (2) the electronic notary is prevented by the provider from accessing the technology provider's services.

History Note: Authority G.S. 10B-4; 10B-106(f); 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .1110 NOTICE OF CANCELLATION BY PROVIDER

An electronic notary public shall notify the Department within 10 business days if the technology provider takes actions that:

- (1) suspend or halt the provider's operations or the availability of its technology; or
- (2) impair the ability of the electronic notary to perform notarial functions.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21; Eff. March 1, 2025.

18 NCAC 07F .1111 CONTENT OF NOTICE

A notice pursuant to Rules .1109 or .1110 of this Section shall include:

- (1) the reason for the notice; and
- (2) any other information the electronic notary public thinks may help the Department to assess the action of the provider.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21; Eff. March 1, 2025.

18 NCAC 07I .0303 ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC NOTARIZATIONS

In addition to the requirements of Rule .0302 of this Section, for each remote electronic notarial act completed, an electronic notary public shall enter in the journal:

- (1) the locations of the principals and electronic notary at the time of the act;
- (2) the method of establishing the location of the remotely located principals;
- (3) the names of any individuals who are physically present at the same place as the remotely located principals; and
- (4) the names of any individuals in addition to the principals and those listed in Item (3) of this Rule who are present remotely using the communication technology during the notarial transaction process.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07I .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL FOR REMOTE ELECTRONIC NOTARIZATION

An electronic notary public shall include additional information in the journal if:

- (1) the notarial act is a remote electronic notarial act;
- (2) the requestor is a party involved in the transaction;
- (3) the request is made before the notary commits the journal entry; and
- (4) in the judgment of the electronic notary, the information is directly related to the notarial act. Note: A loan origination number or a client number is an example of information directly related to the notarial act.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07I .0406 PRE-POPULATED DATA TO BE CONFIRMED BY NOTARY PUBLIC

A notary public may enter the information listed in Rules .0302 and .0303 of this Subchapter in an electronic journal by:

- (1) reviewing each individual item of information offered as an option or by pre-population; and
- (2) confirming that offered information is accurate by selecting:
 - (a) the offered information; or
 - (b) the accurate item from among other options offered.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. March 1, 2025.

TITLE 20 - DEPARTMENT OF STATE TREASURER

20 NCAC 02B .0215 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OVERPAYMENT SAFE HARBOR

(a) The Board of Trustees determines that the following causes of overpayments are not entirely due to administrative error on the part of the Retirement Systems Division:

- (1) The beneficiary received, but did not repay to the Retirement System or the Disability Income Plan of North Carolina, a benefit from the Social Security Administration, the U.S. Department of Veterans Affairs, other federal agency payments, Workers' Compensation, or the State's military disability program under G.S. 127A-108, where such benefits are required by law to be offset from benefits paid by the Retirement System or the Disability Income Plan of North Carolina.
- (2) The beneficiary, the beneficiary's employer, or the beneficiary's authorized agent submitted any information on an official form to the Retirement Systems Division, either on paper or electronically, that differed from the information ultimately used to determine the eligibility for, or amount of, benefits due.
- (3) The Retirement Systems Division requested information necessary to initiate or continue the payment of benefits, by sending a letter to the mailing address that the beneficiary, the beneficiary's employer, or the beneficiary's authorized agent placed on file with the Retirement Systems Division, allowing at least three weeks between the date of the letter and the date for a response to be received, and the Retirement Systems Division did not receive a response by the time requested.

- (4) A State or local government agency reported information to the Retirement Systems Division, including employment status, dates of service, or amounts of compensation, which changed the eligibility for, or amount of, benefits due to the beneficiary.
- (5) The beneficiary experienced a forfeiture of creditable service for having been convicted of a felony under the provisions of G.S. 135-18.10, G.S. 135-18.10A, G.S. 135-75.1, or G.S. 135-75.1A .

(b) The Retirement Systems Division may initiate a review of the facts and circumstances related to the origin of any overpayment from the Retirement System or the Disability Income Plan of North Carolina, with the purpose of determining if the overpayment was entirely due to administrative error on the part of the Retirement Systems Division and therefore eligible for the alternate repayment terms of G.S. 135-9(c1). The Director of the Retirement Systems Division shall, upon receipt of a written request by a beneficiary, beneficiary's employer, or the beneficiary's authorized agent, initiate such a review. If the Director determines the overpayment is not entirely due to administrative error on the part of the Retirement Systems Division, the Retirement Systems Division shall issue a letter to the requestor setting forth the reason or reasons for the denial. The Director shall make determinations on such requests pursuant to the authority provided under 20 NCAC 02A .0103.

History Note: Authority G.S. 135-6(f); 135-9(c1); Eff. July 1, 2024.

20 NCAC 02C .0212 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM OVERPAYMENT SAFE HARBOR

(a) The Board of Trustees determines that the following causes of overpayments are not entirely due to administrative error on the part of the Retirement Systems Division:

- (1) The beneficiary received, but did not repay to the Retirement System, a benefit from the Social Security Administration, the U.S. Department of Veterans Affairs, other federal agency payments, Workers' Compensation, or the State's military disability program under G.S. 127A-108, where such benefits are required by law to be offset from Retirement System benefits, or where repayment of such benefits was agreed upon as a condition of approval for benefits from the Retirement System.
- (2) The beneficiary, the beneficiary's employer, or the beneficiary's authorized agent submitted information on an official form to the Retirement Systems Division, either on paper or electronically, that differed from the information ultimately used to determine the eligibility for, or amount of, benefits due.
- (3) The Retirement Systems Division requested information necessary to initiate or continue the payment of benefits, by sending a letter to the

mailing address that the beneficiary, the beneficiary's employer, or the beneficiary's authorized agent on file with the Retirement Systems Division, allowing at least three weeks between the date of the letter and the date for a response to be received, and the Retirement Systems Division did not receive a response by the time requested.

- (4) A State or local government agency reported information to the Retirement Systems Division, including employment status, dates of service, or amounts of compensation, which changed the eligibility for, or amount of, benefits due to the beneficiary.
- (5) The beneficiary experienced a forfeiture of creditable service for having been convicted of a felony under the provisions of G.S. 128-38.4 or G.S. 128-38.4A.

(b) The Retirement Systems Division may initiate a review of the facts and circumstances related to the origin of any overpayment from the Retirement System, with the purpose of determining if the overpayment was entirely due to administrative error on the part of the Retirement Systems Division and therefore eligible for the alternate repayment terms of G.S. 128-31(c1). The Director of the Retirement Systems Division shall, upon receipt of a written request by a beneficiary, beneficiary's employer, or the beneficiary's authorized agent, initiate such a review. If the Director determines the overpayment is not entirely due to administrative error on the part of the Retirement Systems Division, the Retirement Systems Division shall issue a letter to the requestor setting forth the reason or reasons for the denial. The Director shall make determinations on such requests pursuant to the authority provided under 20 NCAC 02A .0103.

History Note: Authority G.S. 128-28(g); 128-31(c1); Eff. July 1, 2024.

20 NCAC 02O .0104 SHORT-TERM DISABILITY AND EXTENDED SHORT-TERM DISABILITY APPROVALS

(a) Only the Medical Board described in G.S. 135-6(k) shall have the authority to determine under G.S. 135-105(f) that an applicant is ineligible for benefits, or to determine under G.S. 135-105(g) that the beneficiary's disability is not temporary and likely to end within the extended period of short-term disability benefits.

(b) The following positions or entities shall have the authority to approve short-term and extended short-term disability benefits on behalf of the Retirement Systems Division:

- (1) Director of the Retirement Systems Division;
- (2) Director of Operations;
- (3) Disability Benefits Processing Manager;
- (4) Disability Benefits Processing Supervisor;
- (5) Clinical Reviewer; or
- (6) Medical Board described in G.S. 135-6(k).

(c) The Director of the Retirement Systems Division may designate additional positions to have the authority to approve, but not deny, short-term and extended short-term disability benefits.

(d) Only the Medical Board may approve applications for short-term or extended-short-term disability benefits from individuals who have been employed at the Department of State Treasurer within the 365 days preceding the date of disability indicated on the individual's application for benefits.

History Note: Authority G.S. 135-6(f); 135-105(f); 135-105(g); Eff. July 1, 2024.

20 NCAC 020 .0105 SHORT-TERM DISABILITY NOTIFICATION DATE

(a) "Date of submission" means the date indicated on the Retirement Systems Division's hand-stamped postal mark if the submission is by mail or in person, the timestamp if the submission is by email, or the transmission date if the submission is by facsimile transmission.

(b) "Notifications made" pursuant to G.S. 135-105(d) means the submission of a written request for reimbursement by an employer.

(c) "Submission" means the act of presenting a document to the Retirement Systems Division for processing, consideration, or determination through one of the following methods:

- (1) Mail to the mailing address in Rule 20 NCAC 02B .0101;
- (2) Electronic mail (email);
- (3) Facsimile transmission; or
- (4) In person at the physical address in Rule 20 NCAC 02B .0101.

History Note: Authority G.S. 135-6(f); 135-105(d); Eff. July 1, 2024.

20 NCAC 020 .0106 EXTENDED SHORT-TERM DISABILITY APPLICATION DATE

(a) "Date of submission" means the date indicated on the Retirement Systems Division's hand-stamped postal mark if the submission is by mail or in person, the timestamp if the submission is by email, or the transmission date if the submission is by facsimile transmission.

(b) "Makes an application" pursuant to G.S. 135-105(g) means submission, in a method prescribed by Paragraph (c) of this Rule, of the following information:

- (1) Full name;
- (2) Mailing address;
- (3) Email address;
- (4) Telephone number;
- (5) Date of birth;
- (6) Member identification number assigned by the Retirement Systems Division;
- (7) Last four digits of Social Security Number;
- (8) Current or most recent employer;
- (9) Employer contact name; and
- (10) Signed and dated acknowledgement that the member has been receiving short-term benefits from the Disability Income Plan of North Carolina; is applying for extended short-term benefits; certifies that the illness did not result from active participation in a riot or actual or attempted commission of a terrorist act, felony,

or intentional self-inflicted injury; authorizes health care providers to release to the Retirement Systems Division any medical records or other information about the disability; understands that a copy of such authorization will be as valid as the original; understands that the member, or the member's physician on the member's behalf, is to furnish the medical information to the Retirement Systems Division at no cost; and understands that the member cannot withdraw contributions from the Retirement System while receiving benefits under the Disability Income Plan of North Carolina.

(c) "Submission" means the action of presenting a document to the Retirement Systems Division for processing, consideration, or determination through one of the following methods:

- (1) Mail to the mailing address in Rule 20 NCAC 02B .0101;
- (2) Electronic mail (email);
- (3) Facsimile transmission; or
- (4) In person at the physical address in Rule 20 NCAC 02B .0101.

History Note: Authority G.S. 135-6(f); 135-105(g); Eff. July 1, 2024.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - MEDICAL BOARD

21 NCAC 32M .0107 CONTINUING EDUCATION (CE)

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall earn 50 contact hours of continuing education activity every two years, beginning with the first renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be within the nurse practitioner's national certification. The 20 hours must have approval from a national credentialing body or Accreditation Council on Continuing Medical Education (ACCME). A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

(b) Prior to prescribing controlled substances as the same are defined in 21 NCAC 36 .0809(2), nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on 1 or more of the following topics:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

(c) Nurse practitioners who complete the federally required training under the Medication Access and Training Expansion Act (MATE), 21 U.S.C. 823(l), shall be deemed in compliance with

the controlled substance prescribing requirements of this Rule for the two-year CE period in which the MATE training was completed.

(d) Documentation of all CE completed within the previous five years shall be maintained by the nurse practitioner and made available upon request to either Board.

History Note: Authority G.S. 90-5.1(a)(3); 90-8.2; 90-18(c)(14); S.L. 2015-241, s. 12F; Eff. January 1, 1996; Amended Eff. August 1, 2004; May 1, 1999; Recodified from Rule .0106 Eff. August 1, 2004; Amended Eff. December 1, 2009; April 1, 2008; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. July 1, 2024; June 1, 2023; June 1, 2021; March 1, 2017.

21 NCAC 32R .0101 CONTINUING MEDICAL EDUCATION (CME) REQUIRED

(a) Continuing Medical Education (CME) is defined as education, training, and activities to increase knowledge and skills generally recognized and accepted by the profession as within the basic medical sciences, the discipline of clinical medicine, and the provision of healthcare to the public. The purpose of CME is to maintain, develop, or improve the physician's knowledge, skills, professional performance, and relationships a physician uses to provide services for his or her patients and practice, the public, or profession.

(b) A physician licensed to practice medicine in the State of North Carolina, except those physicians holding a residency training license, shall complete at least 60 hours of Category 1 CME relevant to the physician's current or intended specialty or area of practice every 3 years. Every physician who prescribes controlled substances, except those physicians holding a residency training license, shall complete at least 3 hours of CME from the required 60 hours of Category 1 CME designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CME that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for the purposes of this Rule. Physicians who complete the federally required training under the Medication Access and Training Expansion Act (MATE), 21 U.S.C. 823(l), shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the three-year CME period in which the MATE training was completed.

(c) The three-year period described in Paragraph (b) of this Rule begins on the physician's birthday following the issuance of his or her license.

History Note: Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-14(a)(15); S.L. 2015-241, s. 12F.16(b) and 12F.16(c); Eff. January 1, 2000; Amended Eff. August 1, 2012; January 1, 2001; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;

Amended Eff. July 1, 2024; April 1, 2020; September 1, 2016.

21 NCAC 32S .0216 CONTINUING MEDICAL EDUCATION

(a) A physician assistant shall complete at least 50 hours of Continuing Medical Education (CME) every two years. The CME shall be recognized by the National Commission on Certification of Physician Assistants (NCCPA) as Category I CME. The physician assistant shall provide CME documentation for inspection by the Board or its agent upon request. The two-year period shall begin on the physician assistant's birthday following the issuance of his or her license.

(b) A physician assistant who prescribes controlled substances shall complete at least two hours of CME, from the required 50 hours, designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CME that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for purposes of this Rule.

(c) A physician assistant who possesses a current certification with the NCCPA shall be deemed in compliance with the requirement of Paragraph (a) of this Rule. The physician assistant shall attest on his or her annual renewal he or she is currently certified by the NCCPA. Physician assistants who attest he or she possesses a current certificate with the NCCPA shall not be exempt from the controlled substance prescribing CME requirement of Paragraph (b) of this Rule. A physician assistant shall complete the required two hours of controlled substance CME unless the CME is a component part of their certification activity. Physician assistants who complete the federally required training under the Medication Access and Training Expansion Act (MATE), 21 U.S.C 823(l), shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the two-year CME period in which the MATE training was completed.

(d) Courses pertaining to interprofessional continuing education and courses pertaining to cultural competency or implicit bias training shall qualify for any CME hours required under this Rule so long as such courses are approved by the NCCPA.

History Note: Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-18.1; S.L. 2015-241, 12F.16(b) and 12F.16(c); Eff. September 1, 2009; Amended Eff. May 1, 2015; November 1, 2010; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. July 1, 2024; January 1, 2022; April 1, 2020; September 1, 2016.

CHAPTER 36 – BOARD OF NURSING

21 NCAC 36 .0807 CONTINUING EDUCATION (CE)

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall earn 50 contact hours of continuing education activity every two years, beginning with the first

renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be within the nurse practitioner's national certification. The 20 hours must have approval from a national credentialing body or Accreditation Council on Continuing Medical Education (ACCME). A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

(b) Prior to prescribing controlled substances as the same are defined in 21 NCAC 36 .0809(2), nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on 1 or more of the following topics:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

(c) Nurse practitioners who complete the federally required training under the Medication Access and Training Expansion Act (MATE), 21 U.S.C. 823(l), shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the two-year CE period in which the MATE training was completed.

(d) Documentation of all CE completed within the previous five years shall be maintained by the nurse practitioner and made available upon request to either Board.

History Note: Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s 12F; Recodified from 21 NCAC 36 .0227(f) Eff. August 1, 2004; Amended Eff. March 1, 2017; December 1, 2009; April 1, 2008; August 1, 2004; Readopted Eff. January 1, 2019; Amended Eff. July 1, 2024; June 1, 2023; June 1, 2021.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission June 26, 2024 and July 9, 2024 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)
Jay R. Hemphill
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Barbara A. Jackson (1st Vice-Chair)
Randy Overton (2nd Vice-Chair)
Wayne R. Boyles, III
Jake Parker
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

August 28, 2024	October 30, 2024
September 25, 2024	November 26, 2024

RULES REVIEW COMMISSION MEETING

MINUTES

June 26, 2024

The Rules Review Commission met on Wednesday, June 26, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell were present in the Commission Room. Commissioners Jay Hemphill and Brandon Leebrick were present via Webex.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

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

The Chair read into the record the Evaluation of Statement of Economic Interest for Jeanette Doran, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Barbara Jackson, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Bill Nelson, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for John (Jay) Hemphill, which states the NC Ethics Commission. We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Brandon Leebrick, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Paul Powell, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair notified the Commissioners that the following items would be taken up out of order at the end of the agenda: Follow-up matter for the Board of Examiners in Optometry and temporary rules from the Criminal Justice Education and Training Standards Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the May 29, 2024 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Board of Nursing

Upon the call of the Chair, 21 NCAC 36 .0807 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners in Optometry

Upon the call of the Chair, the Commission voted to refer 21 NCAC 42D .0102 to the Office of Budget and Management to determine whether a fiscal note is required by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

During the discussion and vote on the Rule from the Board of Examiners in Optometry, Commissioner Hemphill left the meeting via Webex and did not return.

Andy Ellen, the President and General Counsel for the North Carolina Retail Merchants Association, addressed the Commission.

Wally Lovejoy, the Chairman for the National Association of Retail Optical Companies, addressed the Commission.

Johnny M. Loper, the rulemaking coordinator for the agency, addressed the Commission.

Building Code Council

Upon the call of the Chair, the Commission voted to direct staff to return the 2024 North Carolina Energy Conservation Code - Section R402, Appendix R1.2.1 to the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Building Code, as well as individual amendments to Sections 101.2, 202, 307, 414, 1109.2, 1901, and Chapter 35 of the 2024 NC Building Code were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Existing Building Code, as well as individually filed amendments to Sections 101.2 and 803.2.1.2 of the 2024 NC Existing Building Code were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Fire Code as well as individually filed amendments to Sections 102.13, 105.5.32, 319.11.1, 319.11.13, 202, 203, 608, 911, 3307, 5003, 5706.5.4.5, Chapter 80, and NFPA 241 of the 2024 NC Fire Code were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Medical Care Commission

Prior to the review of the rules from the Medical Care Commission, Commissioner Leebrick recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

Upon the call of the Chair, 10A NCAC 13F .0102, .0402, .0404, .0408, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609; 13G .0102, .0404 and .0601 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 09G .0202 and .0208 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

12 NCAC 09C .0104 was withdrawn at the request of the agency, no action was required by the Commission.

Environmental Management Commission

Upon the call of the Chair, 15A NCAC 02Q .0802 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07B .0404, .0405, .0406; 07F .0303, .0401, .0503, .0505, .0506, .0507, .0508, .0509, .0512, .0513, .0601, .0806, .0807, .0903, .0906, .1102, .1106, .1109, .1110, .1111; 07I .0303, .0305 and .0406 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

TSERS and LGERS Employee Retirement System Board of Trustees

Upon the call of the Chair, 20 NCAC 02B .0215; 02C .0212; 02O .0104, .0105 and .0106 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Medical Board

Upon the call of the Chair, 21 NCAC 32M .0107 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Medical Board

Upon the call of the Chair, 21 NCAC 32R .0101 and 32S .0216 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Criminal Justice Education and Training Standards Commission

12 NCAC 09C .0401 – Upon the call of the Chair, the Commission voted to adopt staff's recommendation to object to the rule for failure to comply with the APA by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles

III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Commissioner Hemphill did not vote.

Marine Fisheries Commission

Upon the call of the Chair, 15A NCAC 03I .0123 and .0124 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10C .0218 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10C .0422 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10D .0209, .0243, and .0276 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Interpreter and Transliterator Licensing Board

Upon the call of the Chair, 21 NCAC 25 .0202 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Chair announced there were no updates regarding the CRC v. RRC litigation; therefore, the Chair did not call the meeting into a closed session.

The meeting was adjourned at 10:49 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, July 31, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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

June 26, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Carrie Ruhlman	NCWRC
Christine Ryan	NCDOT
Shawn Maier	NCDEQ
Nancy Cox	NCBJ / NCSCC
Helen Landi	NCDOT / NHTB
Catherine Blum	NC DMF
Christian Waters	NCWRC
Taylor Corpening	NC DMH
And. Elk	NCWRC
Jill Lynn Lopez	OPTOMETRIST BOARD
Sharon Black	PHHS
ANN ELMORE	SOS
Patricia Kurlaw	DST
Taylor Matyi	DST
Timothy Melton	DST
Cliff Isaac	NCHBA
Pa. Bond	NC DOJ / NCITLB

RULES REVIEW COMMISSION

Rules Review Commission Meeting June 26, 2024

Via WebEx

Name	Agency
Tina Dupree	SOS
Ozie Stallworth	SOS
Katherine Quinlan	DEQ
Kathryn Whalen	DOI
Julie Ventaloro	OSBM
Jennifer Everett	DEQ
Karen Holder	DOI
Charlie Johnson	DOI
Keisha Hoggard	DOI
Dana McGhee	OAH
Ashley Snyder	OAH
Jason Rock	DEQ
Sharon Smith	DEQ
Joshua Beil	DEQ
Alan Bianchi	DEQ
Jesse Bissette	DEQ
Meredith Whitten	DEQ
Kyle Briggs	WRC
Patrick Phelan	nationalvision.com
Jeff Moore	DEQ
Meghan Cook	NCFB
Brad Johnson	DEQ
Jason Walsh	DEQ
Trey Velez	DEQ
Kevin	ngleg.gov
Michelle Schilling	DOJ
Jonathan Weaver	DEQ
David Clayton	Office of the Governor
Laura Lansford	DOR
Megan Lamphere	DHHS
Libby Kinsey	DHHS
T Fowler	essilorluxottica.com
Chearin Lewis	DEQ
Lily Zeller	DEQ
Stephanie Freeman	DPS
Anne Coan	NCFB
Wallace Lovejoy	
Genevieve Kaplan	stateside.com
Laura Rowe	Treasurer

RULES REVIEW COMMISSION

Brandi Salmon	DEQ
Shalisa Jones	DHHS
Alexis Rakestraw	DEQ
Michelle Brodeur	DEQ
John Pignone-Reed	johnpignone.com
Janice Peterson	Optometry
Kimberly Luisana	Nursing
Nadine Pfeiffer	
Andrew Valmassoi	DEQ
Michelle Schilling	DOJ
Mike Morton	cityofwsfire.org
William Rafferty	Optometry

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding

IV-1 Medical Care Commission.

I have abstained because of potential conflict of interest

This the 26th day of June, 2024.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

**Re: Biennial Evaluation of Statement of Economic Interest Filed by Ms. Jeanette K. Doran
Member of the Rules Review Commission**

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Ms. Jeanette K. Doran** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Phil Berger
June 21, 2024
Page 2 of 2

Ms. Doran is the President and General Counsel for the North Carolina Institute for Constitutional Law (NCICL). In addition, Ms. Doran serves as a board member of the Conservatives for Criminal Justice Reform. Because the NCICL could represent clients who come before the Commission during the rulemaking process, she has the potential for a conflict of interest. Therefore, Ms. Doran should exercise appropriate caution in the performance of her public duties should issues involving the NCICL or any of its clients come before the Commission for official action.

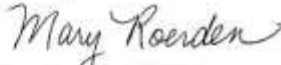
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(e).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Jeanette K. Doran
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

**Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. John R. Hemphill
Member of the Rules Review Commission**

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. John R. Hemphill** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Phil Berger
June 21, 2024
Page 2 of 2

Mr. Hemphill is a partner with the law firm of Hemphill Gelder, P.C. and serves on the Carolina Partnership for Reform, Inc. Board of Directors. In addition, his spouse is an attorney with the law firm of Ortiz & Doyle, PLLC. Because the law firms could represent clients that come before the commission during the rulemaking process, he has the potential for a conflict of interest. Accordingly, Mr. Hemphill should exercise appropriate caution in the performance of his public duties should issues involving the law firms of Hemphill Gelder, P.C., or Ortiz & Doyle, PLLC or their clients come before the Commission for official action.

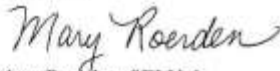
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When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: John R. Hemphill
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

**Re: Biennial Evaluation of Statement of Economic Interest Filed by Ms. Barbara Jackson
Member of the Rules Review Commission**

Dear Speaker Moore:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Ms. Barbara Jackson** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Tim Moore
June 21, 2024
Page 2 of 2

Ms. Jackson an attorney/mediator and serves as a board member of the Conservatives for Criminal Justice Reform (CCJR). In addition, her spouse is an Assistant Deputy Commissioner with the North Carolina Department of Labor. As such, Ms. Jackson has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should issues involving these entities or her clients come before the Commission for official action.

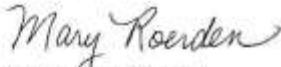
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Barbara Jackson
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

**Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. Brandon Leebrick
Member of the Rules Review Commission**

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. Brandon Leebrick** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Phil Berger
June 21, 2024
Page 2 of 2

Mr. Leebrick is the principal attorney with the law firm of Ott Cone & Redpath, P.A, which could represent clients that come before the Commission during the rulemaking process. In addition, he is a board member of the North Carolina Society of Health Care Attorneys and the Citizens for Good Growth in Rockingham County, Inc. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving these entities or their clients come before the Commission for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Brandon Leebrick
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. William W. Nelson
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. William W. Nelson** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Phil Berger
June 21, 2024
Page 2 of 2

Mr. Nelson is a partner with the law firm of Smith Anderson and his spouse is an Administrative Law Judge at the N.C. Office of Administrative Hearings. Because the law firm of Smith Anderson could represent clients that come before the commission during the rulemaking process, he has the potential for a conflict of interest. As such, Mr. Nelson should exercise appropriate caution in the performance of his public duties should the business of the law firm of Smith Anderson or their clients come before the Commission for official action.

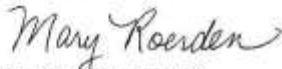
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When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act, N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: William W. Nelson
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. William Paul Powell
Member of the Rules Review Commission

Dear Speaker Moore:

Our office has received a 2023 Statement of Economic Interest ("SEI") and 2024 No-Change form from **Mr. William Paul Powell** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed the 2023 Statement of Economic Interest for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

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The Honorable Tim Moore
June 21, 2024
Page 2 of 2

Mr. Powell is the Vice President and General Manager for R.H. Barringer Distributing Company, a beer and wine wholesaler. Because the Alcohol Beverage Control Commission could present rules for approval by the Commission Mr. Powell has the potential for a conflict of interest. Accordingly, Mr. Powell should exercise appropriate caution in the performance of his public duties should the ABC Commission or issues relevant to his industry come before the Commission for official action.

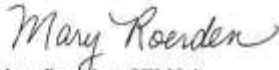
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Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: William Paul Powell
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide

LIST OF APPROVED PERMANENT RULES

June 26, 2024 Meeting

MEDICAL CARE COMMISSION

<u>List of Definitions</u>	10A NCAC 13F .0102
<u>Qualifications of Manager</u>	10A NCAC 13F .0402
<u>Qualifications of Activity Director</u>	10A NCAC 13F .0404
<u>Qualifications of Personal Care Aide Supervisor</u>	10A NCAC 13F .0408
<u>Management of Facilities - General Administrator and Mana...</u>	10A NCAC 13F .0601
<u>Management of Facilities with a Capacity or Census of Sev...</u>	10A NCAC 13F .0602
<u>Management of Facilities with a Census of 31 to 81</u>	10A NCAC 13F .0603
<u>Management of Facilities with a Census of 81 or More Resi...</u>	10A NCAC 13F .0604
<u>General Staffing Requirements for Adult Care Homes</u>	10A NCAC 13F .0605
<u>Staffing for Facilities with a Census of Seven to Twelve ...</u>	10A NCAC 13F .0606
<u>Staffing for Facilities with a Census of 13 to 20 Residents</u>	10A NCAC 13F .0607
<u>Staffing for Facilities with a Census of 21 or More Resid...</u>	10A NCAC 13F .0608
<u>Personal Care Aide Supervisors</u>	10A NCAC 13F .0609
<u>List of Definitions</u>	10A NCAC 13G .0102
<u>Qualifications of Activity Coordinator</u>	10A NCAC 13G .0404
<u>Management and Other Staff</u>	10A NCAC 13G .0601

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Citizenship</u>	12 NCAC 09G .0202
<u>Minimum Standards for Correctional Officers</u>	12 NCAC 09G .0208

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Gasoline Service Stations and Dispensing Facilities</u>	15A NCAC 02Q .0802
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SECRETARY OF STATE, DEPARTMENT OF THE

<u>Electronic Notary Public Registration Form</u>	18 NCAC 07B .0404
<u>Form Notifying Department of Selection of Technology Prov...</u>	18 NCAC 07B .0405
<u>Notice to Department of Change by Electronic Notary in Te...</u>	18 NCAC 07B .0406
<u>Electronic Notary Course</u>	18 NCAC 07F .0303
<u>Submission</u>	18 NCAC 07F .0401
<u>Notice of Department's Actions for Qualified Electronic N...</u>	18 NCAC 07F .0503
<u>Oaths Timing</u>	18 NCAC 07F .0505
<u>Evidence of Identity</u>	18 NCAC 07F .0506
<u>Certificate Delivery</u>	18 NCAC 07F .0507
<u>Registration Effective Date</u>	18 NCAC 07F .0508
<u>Registration Effective Date</u>	18 NCAC 07F .0509
<u>Confirmation of Electronic Notary Status</u>	18 NCAC 07F .0512
<u>Performing Electronic and Remote Electronic Notarial Acts</u>	18 NCAC 07F .0513
<u>Notice to Department of Technology Provider</u>	18 NCAC 07F .0601
<u>Perimeter</u>	18 NCAC 07F .0806
<u>Contents of Electronic Notary Seal</u>	18 NCAC 07F .0807
<u>Form</u>	18 NCAC 07F .0903
<u>Registration</u>	18 NCAC 07F .0906
<u>Presence Requirement for Remote Electronic Notarization</u>	18 NCAC 07F .1102
<u>Notice of Changes</u>	18 NCAC 07F .1106

RULES REVIEW COMMISSION

<u>Ceasing to Use a Technology Provider</u>	18 NCAC 07F .1109
<u>Notice of Cancellation by Provider</u>	18 NCAC 07F .1110
<u>Content of Notice</u>	18 NCAC 07F .1111
<u>Additional Journal Contents for Remote Electronic Notariz...</u>	18 NCAC 07I .0303
<u>Party Request for Inclusion of Additional Information in ...</u>	18 NCAC 07I .0305
<u>Pre-Populated Data to be Confirmed by Notary Public</u>	18 NCAC 07I .0406
 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES	
<u>Teachers' and State Employees' Retirement System Overpaym...</u>	20 NCAC 02B .0215
 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES	
<u>Local Government Employees' Retirement System Overpayment..</u>	20 NCAC 02C .0212
 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES	
<u>Short-Term Disability and Extended Short-Term Disability ...</u>	20 NCAC 02O .0104
<u>Short-Term Disability Notification Date</u>	20 NCAC 02O .0105
<u>Extended Short-Term Disability Application Date</u>	20 NCAC 02O .0106
 MEDICAL BOARD	
<u>Continuing Education (CE)</u>	21 NCAC 32M .0107
<u>Continuing Medical Education (CME) Required</u>	21 NCAC 32R .0101
<u>Continuing Medical Education</u>	21 NCAC 32S .0216
 NURSING, BOARD OF	
<u>Continuing Education (CE)</u>	21 NCAC 36 .0807
 BUILDING CODE COUNCIL	
<u>2024 NC Building Code</u>	231219 Item B-3
<u>2024 NC Existing Building Code/Scope</u>	101.2, Exception 2
<u>2024 NC Fire Code</u>	231219 Item B-5
<u>2024 NC Fire Code/Exception to Applicability</u>	102.13, Exception 7
<u>2024 NC Fire Code/Commercial, Industrial, Governmental or...</u>	5706.5.4.5
<u>2024 NC Fire Code/Mobile Food Preparation Vehicles</u>	105.5.32
<u>2024 NC Fire Code/Stability and Mobile Cooking Operations</u>	319.11.1, 319.11.13
<u>2024 NC Fire Code</u>	Sections 202, 203, 608, 911, 3307, 5003 and Chapter 80

LIST OF APPROVED TEMPORARY RULES

June 26, 2024 Meeting

MARINE FISHERIES COMMISSION

<u>Commercial Harvest Reporting Requirements</u>	15A NCAC 03I .0123
<u>Non-Commercial Harvest Reporting Requirements</u>	15A NCAC 03I .0124

WILDLIFE RESOURCES COMMISSION

<u>Harvest Reporting Requirements</u>	15A NCAC 10C .0218
<u>Striped Mullet and White Mullet</u>	15A NCAC 10C .0422
<u>Buffalo Cove Game Land in Caldwell and Wilkes Counties</u>	15A NCAC 10D .0209

Kings Creek Game Lands in Caldwell and Wilkes Counties

15A NCAC 10D .0243

South Mountains Game Land in Burke, Cleveland, McDowell, ...

15A NCAC 10D .0276

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

The Application Package and Requirements for Licensure

21 NCAC 25 .0202

**RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
July 9, 2024**

The Rules Review Commission met for a special meeting on Tuesday, July 9, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex. The special meeting was called to go into closed session to discuss the lawsuit filed by the North Carolina Criminal Justice Education and Training Standards Commission v. North Carolina Rules Review Commission and Ashley Snyder, in her official capacity as Codifier of Rules.

Commissioners Wayne R. Boyles III, Jeanette Doran, Bill Nelson, and Jake Parker were present in the Commission Room. Commissioners Jeff Hyde, Barbara Jackson, Brandon Leebrick, and Paul Powell were present via Webex.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were in the Commission room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

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

At 10:03 a.m., upon a motion by the Chair and a second by Commissioner Boyles, the Commission voted to call the public meeting of the Rules Review Commission to enter into closed session pursuant to G.S. 143-318.11(a)(3) within the attorney-client privilege to consult with counsel regarding the Criminal Justice Education and Training Standards Commission v. North Carolina Rules Review Commission and Ashley Snyder, in her official capacity as Codifier of Rules by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Jake Parker, and Paul Powell – 7. Voting in the negative: None

At 10:34 a.m., upon a motion by Commissioner Boyles and a second by Commissioner Jackson, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Jake Parker, and Paul Powell – 7. Voting in the negative: None

The Chair read into the record a motion proposed in the closed session by Commissioner Jackson and seconded by Commissioner Boyles as follows: Pursuant to G.S. 143B-30.1, the North Carolina Rules Review Commission (“RRC”) authorizes the RRC Chair to retain private counsel on behalf of the RRC in the matter of the North Carolina Criminal Justice Education and Training Standards Commission v. RRC and Ashley Snyder, Codifier of Rules, 24 CV020420-910 (Wake) should the Chair, in her sole discretion, deem it to be in the best interest of the RRC. The Chair may hire said private counsel of her choice without further consultation from the RRC.

Further, the Chair is authorized to manage and direct said private counsel in the course and conduct of the RRC’s representation, including its prosecution, settlement, and final disposition without further consultation with the RRC unless otherwise demanded by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Jake Parker, and Paul Powell – 6. Voting in the negative: None. The Motion passed.

Prior to the motion, Commissioner Nelson recused himself and did not participate in any discussion or vote concerning the motion because his law firm, Smith Anderson, is being considered for retention as outside counsel.

COMMISSION BUSINESS

The meeting adjourned at 10:37 a.m. by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Jake Parker, and Paul Powell – 7. Voting in the negative: None

The next regularly scheduled meeting of the Commission is Wednesday, July 31, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

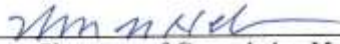
Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding CJETS v. RR C.

I have abstained because My law firm, Smith Anderson, is being considered for retention as outside counsel

This the 9th day of July, 2024.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

Rules Review Commission Special Meeting July 9, 2024
Held Via WebEx

Name	Agency
Ashley Snyder	OAH
Sophie Plott	Labor
Michelle Schilling	DOJ
Hayworth, Anna	Agriculture
Dana McGhee	OAH
Daniel	NC Parks