

# ***NORTH CAROLINA REGISTER***

**VOLUME 39 • ISSUE 16 • Pages 1086 – 1107**

**February 17, 2025**

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**PUBLISHED BY**

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## Contact List for Rulemaking Questions or Concerns

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

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

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### **Legislative Process Concerning Rulemaking**

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2025 – December 2025

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 <sup>th</sup> day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

\*Dates not approved by RRC

## 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

**JOSH STEIN**  
GOVERNOR

January 16, 2025

## EXECUTIVE ORDER NO. 8

### PROTECTING ACCESS TO AND PRIVACY OF REPRODUCTIVE HEALTH CARE SERVICES IN NORTH CAROLINA

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

**WHEREAS**, in the wake of *Dobbs*, states have enacted restrictions on reproductive health care access; and

**WHEREAS**, those restrictions are forcing people to travel to other states where reproductive health care services remain available to receive the care they need; and

**WHEREAS**, other states have imposed criminal or civil penalties on health care workers or entities that provide reproductive health care services; and

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

**WHEREAS**, in addition to state-level restrictions on reproductive health care access following *Dobbs*, there is a risk that the federal government will soon similarly begin restricting access to reproductive health care services; and

**WHEREAS**, individuals' choices about their reproductive health care are deeply personal, and the state should endeavor to protect the privacy of those choices; and

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

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

**WHEREAS**, North Carolina has served and will continue to serve as an increasingly critical access point for reproductive health care services for its residents, as well as people across the Southeast and country; and

**WHEREAS**, reproductive freedom must remain protected and reproductive health care services must remain available in North Carolina; and

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

**WHEREAS**, individuals should receive medically accurate information about their reproductive health care choices from all sources, including the state; and

**WHEREAS**, on June 25, 2024, a United States Department of Health and Human Services (“HHS”) final rule went into effect prohibiting the use or disclosure of protected health information by covered entities and their business associates for the purposes of investigating or imposing criminal, civil, or administrative liability upon someone for seeking, obtaining, providing, or facilitating presumptively lawful reproductive health care; and

**WHEREAS**, on July 6, 2022, Governor Cooper issued Executive Order No. 263, which affirmed the commitment of North Carolina’s executive branch to ensuring safe, lawful access to reproductive health care after the *Dobbs* decision; and

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

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

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

**WHEREAS**, the Governor is committed to protecting reproductive freedom, privacy, and the right for women to make their own medical decisions in North Carolina.

**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. Definitions.**

- i. “Cabinet Agencies” are those agencies that are part of the Governor’s Office, are headed by members of the Governor’s Cabinet, and boards and commissions for which the Governor appoints a majority of members.
- ii. “Reproductive health care services” means all medical, procedural, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or abortion.

**Section 2. Cabinet Agency Coordination to Protect Reproductive Health Freedom and Privacy.**

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

**Section 3. No Assistance from Cabinet Agencies.**

To the maximum extent permitted under federal or North Carolina law, including but not limited to the June 25, 2024 HHS final rule regarding reproductive health care privacy, and except as required by court order, no Cabinet Agency and no employee, officer, or other person acting on behalf of any Cabinet Agency may provide patient medical records, patient-level data, patient billing information, or other information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanction upon a person or entity for: (1) providing or assisting another person or entity in providing reproductive health care services that are legal in the jurisdiction where the reproductive health care services are provided, regardless of

the residence of the person receiving or seeking to receive the care; or (ii) securing, receiving, or inquiring about or assisting another person or entity in securing, receiving, or inquiring about reproductive health care services that are legal in the jurisdiction where the reproductive health care services are sought, regardless of the residence of the person receiving or seeking to receive the care.

This Section shall not apply to any investigation or proceeding where the conduct that is the subject of potential liability or professional sanction would be subject to civil or criminal liability or professional sanction under the laws of North Carolina if committed in North Carolina.

Notwithstanding the general prohibition of this Section, Cabinet Agencies and individuals acting on their behalf may provide information or assistance in connection with an investigation or proceeding if provided at the written request of the subject of such investigation or proceeding.

**Section 4. Protection Against Extradition and Arrest.**

To the maximum extent permitted under the United States and North Carolina Constitutions, federal and state law, and pursuant to North Carolina General Statute Chapter 15A, Article 37, the Governor will exercise his discretion to decline requests for the extradition of any person charged with a criminal violation in another state where the violation alleged arises out of the inquiry into, provision of, assistance with, securing of, or receipt of reproductive health care services except where: (i) the charged person was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state; or (ii) if the charged person was not physically present in the requesting state at the time of the commission of the alleged offense, where all of the conduct forming the basis of the criminal charge was committed would be criminal in both North Carolina and the jurisdiction where the charged person inquired into, provided, assisted with, secured or received the reproductive health care services.

The Governor further directs the State Highway Patrol, Alcohol Law Enforcement, and State Capitol Police not to arrest any person charged with a criminal violation in another state where the violation alleged arises out of the inquiry into, provision of, assistance with, securing of, or receipt of lawful reproductive health care services, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under North Carolina law.

**Section 5. Travel for Pregnant Cabinet Agency Employees.**

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

Cabinet Agencies shall further grant any reasonable request from a pregnant Cabinet Agency employee to decline travel to, or to immediately return from, a state that has imposed restrictions on access to reproductive health care services.

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

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

**Section 7. Availability of Safe, Legal Reproductive Health Care Medication**

The North Carolina Department of Health and Human Services ("DHHS") is hereby directed to take appropriate and feasible measures, in consultation with the Office of the Governor, to ensure North Carolinians have reliable, consistent access to safe and legal reproductive health care medications and birth control.

**Section 8. Transparency of Information Regarding Reproductive Health Care**

DHHS is hereby directed to include relevant information about the potential differences among different entities that offer services to pregnant women or women who may become pregnant on printed materials it promulgates pursuant to N.C. Gen. Stat. § 90-21.83, the website it maintains pursuant to N.C. Gen. Stat. § 90-21.84, and any other relevant public-facing document, webpage, or resource.

**Section 9. Safeguarding Data Related to Reproductive Health Care that the State Collects**

Cabinet Agencies are hereby directed to review and, where necessary, revise their policies for collecting and storing (i) records and data related to an individual’s reproductive health care; and (ii) precise geo-location data from an individual’s mobile phone or other internet-connected device, to maximize protections for individual privacy related to reproductive health care while remaining consistent with the North Carolina Public Records Act, N.C. Gen. Stat. § 132-1, *et seq.*, the records retention schedule promulgated by the North Carolina Department of Natural and Cultural Resources, and applicable policies of the North Carolina Department of Information Technology.

**Section 10. Savings Clause**

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

**Section 11. No Private Right of Action**

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

**Section 12. Effect and Duration**

This Executive Order is effective immediately and shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16<sup>th</sup> day of January in the year of our Lord two thousand and twenty-five.



Josh Stein  
Governor

ATTEST:



Elaine F. Marshall  
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: Autocar LLC

Applicant's Address: 4680 Pinson Valley PKWY, Centerpoint, AL 35215

Application Date: 1/13/2025

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

James M Johnston- President

Eric Schwartz-Managing Director

Jeffrey Leeb-Secretary

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: Polestar Automotive USA Inc

Applicant's Address: 933 Macarthur Blvd BLDG B, Mahwah, NJ 07430

Application Date: 09/30/2024

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

Anders Gustafsson-President

Melissa Ibach-Secretary

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: Rev Renegade LLC  
Applicant's Address: 52216 State Road 15  
Bristol, IN 46507  
Application Date: January 15, 2025

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

Mark A Skonieczny, President / CEO  
Nicole A Gustafson, Vice President / Treasurer  
Joseph F LaDue, COO

**North Carolina Department of Labor  
Occupational Safety and Health Division**

**Public Notice**

This serves as notice to the public of an increase in the civil penalties issued by the Occupational Safety and Health Division of the North Carolina Department of Labor (“NCDOL”).

NCDOL administers the Occupational Safety and Health Act of North Carolina (“OSH Act”); the OSH program is a federally approved state plan program. State plan programs are required by the federal Occupational Safety and Health Administration (“OSHA”) to adopt maximum penalty levels for violations of the OSH Act, which must be at least as effective as the federal OSHA program.

On January 10, 2025, the United States Department of Labor (“USDOL”) published a notice in the Federal Register of changes to federal OSHA civil penalty amounts based on cost-of-living adjustments for 2025 pursuant to the Federal Civil Penalties Inflation Adjustment Act. See pages 1854-1866 of the Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2025 found here: <https://www.govinfo.gov/content/pkg/FR-2025-01-10/pdf/2024-31602.pdf>

Penalties for violations of the North Carolina OSH Act are established pursuant to N.C. Gen. Stat. § 95-138 of Chapter 95, Article 16. Specifically, N.C. Gen. Stat. § 95-138(a1) requires the N. C. Commissioner of Labor to adjust minimum and maximum penalties in accordance with the requirements as set forth in the United States Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics which is an agency of the USDOL. The Commissioner is required to publish the civil penalties in the North Carolina Register within 60 calendar days from the date a final rule is published in the Federal Register. See N.C. Gen. Stat. § 95-138(a1): [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_95/GS\\_95-138.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_95/GS_95-138.pdf)

This serves as public notice pursuant to N.C. Gen. Stat. § 95-138 and 13 NCAC 07A .0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations of an increase in Occupational Safety and Health civil penalties pursuant to a change in the U.S. Consumer Price Index for All Urban Consumers. **The increased penalty levels apply to any penalties assessed by NCDOL pursuant to the OSH Act on or after July 1, 2025.**

Both federal OSHA’s and the NCDOL Occupational Safety and Health Division’s maximum penalties for serious and other-than-serious violations will increase from \$16,131 per violation to \$16,550 per violation. The maximum penalty for willful or repeat violations will increase from \$161,323 per violation to \$165,514 per violation.

January 17, 2025  
NCDOL

**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 08 – STATE BOARD OF ELECTIONS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 09 .0110; 20 .0102, .0103 and amend the rules cited as 08 NCAC 02 .0110; 09 .0107; and 20 .0101.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

**Proposed Effective Date:** July 1, 2025

**Public Hearing:**

**Date:** March 6, 2025

**Time:** 10:00 am

**Location:** Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh, NC 27603

**Reason for Proposed Action:** *With regard to the three observer rules: One rule is proposed as a total replacement of a prior permanent rule, to provide fair procedures for the handling of challenges to the appointment of election observers, which is required by G.S. 163-45.1. The prior rule has been rendered mostly obsolete by the enactment of the same statute. Another rule is proposed to provide fair procedures for the handling of appeals from the removal of an election observer from the polling place, as required by the same statute. Finally, as permitted by the same statute, one rule is proposed for the requirement for election observers to wear identification tags to inform election officials and voters of the observer's role at the polling place. All three of these rules were adopted as temporary rules in 2024, and the agency is proposing to make these rules permanent.*

*With regard to the election protest rule: The amendments to the rule set forth deadlines for county boards of elections in the consideration of election protest and clarify certain procedures for providing notice to the affected parties in an election protest. This rule amendment was adopted as a temporary rule in 2024, and the agency is proposing to make the amendments permanent. The purpose of these amendments is to ensure that election protests are handled expeditiously and uniformly by county boards.*

*With regard to the two recount rules: One rule is proposed to amend the rule governing an initial recount to ensure that such recounts begin without unnecessary delay. The second rule would serve the same purpose for any secondary recounts. Both of these rules were adopted as temporary rules in 2024, and the agency is proposing to make these rules permanent.*

**Comments may be submitted to:** Paul Cox, Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255; email [rulemaking.sboe@ncsbe.gov](mailto:rulemaking.sboe@ncsbe.gov) (Comments may be submitted online at <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>)

**Comment period ends:** April 21, 2025

**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](mailto: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 ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 02 - ELECTION PROTESTS**

**08 NCAC 02 .0110 ACTIONS OF COUNTY BOARD AS TO ELECTION PROTESTS**

(a) The county board shall ~~deliver~~ transmit by email a copy of any filed election protest, including any attachments, to the State Board as follows:

- (1) if hand delivered or mailed, within 24 hours after the election protest is filed;
- (2) if faxed, the same day the election protest is filed; or
- (3) if emailed, the same day the election protest is filed.

(b) The county board shall not consider election protests not timely filed, but shall ~~refer~~ refer, in the same manner and within the time period provided in Paragraph (a) of this Rule, all such untimely protests, along with copies of the protest and attachments, to the State Board office for consideration under G.S.

163-182.12. For the purposes of this Rule, timely means within the time specified in G.S. 163-182.9.

(c) Upon receipt of a timely filed election protest, the county board of elections shall hold a preliminary consideration meeting hearing in accordance with G.S. 163-182.10, G.S. 163-182.10 within two business days of when the protest is filed. If the protest is filed before election day and is stayed pursuant to G.S. 163-182.9(b)(4)d., the preliminary consideration meeting shall be held within two business days of election day. If the county board dismisses the protest upon preliminary consideration, the county board shall file its written decision at the board office within two business days of the preliminary consideration meeting and shall serve the written decision in the manner provided under Subparagraph (e)(2) of this Rule. If the county board determines that a hearing is necessary, the board shall set the hearing no later than ~~ten~~ five business days from the date of the preliminary ~~consideration, consideration meeting~~ and shall start no earlier than 8:00 a.m. and no later than 8:00 p.m. at any location set by the county board of elections. The county board may continue hearings for good cause as determined by the county board. Only for good cause and upon informing the State Board office, may a hearing be set on or continued to a weekend day or holiday. Examples of good cause include, but are not limited to, procuring documentary evidence or securing witness testimony necessary to conclude the hearing.

(d) Notice of hearing as required by ~~G.S. 163-182.10(b)~~ G.S. 163-182.10(b)(2) shall be given at least three business days prior to the day of the hearing, and the notice shall be provided by any of the following means: required shall be notice by in-person oral notice, written notice to an email address supplied by any person required to receive notice, or, only if the county board lacks an email address, by U.S. mail to an address supplied by any person required to receive notice followed immediately by a phone call, if the person has supplied a phone number to the board, any means chosen by the county board. Any oral notice of the hearing shall be followed with a written notice sent prior to the hearing date. The oral notice shall constitute valid notice meeting the three-day notice requirement.

(e) The county board shall follow these procedures when considering an election protest. Required procedures include:

- (1) Upon request by a protester or interested person, the chair or any two members of the county board ~~may~~ shall issue subpoenas for ~~witnesses persons or documents.~~ documents, when the chair or two members of the county board conclude that the witnesses or documents are likely to provide information that is both relevant and material to the questions the county board must adjudicate in the protest, the information sought is not unnecessarily duplicative of other available evidence, and the subpoena is not likely to subject the recipient to undue burden or expense. Such subpoenas shall be served in the same manner ~~matter~~ as allowed in the North Carolina Rules of Civil Procedure.
- (2) The county board shall notify the person protesting, any affected candidate, and any affected officeholder of its decision in a protest hearing no later than 5:00 p.m. the next day

after the conclusion of the ~~hearing itself, hearing, in the manner provided in Paragraph (d) of this Rule. No separate notice is required if any person requiring notice was present at the hearing when the decision was announced.~~ The board shall file at the board office a written decision within the mandates of G.S. 163-182.10(d) by 5:00 p.m. ~~three five~~ business days after the ~~conclusion of the protest hearing oral decision is given to the person filing the protest.~~ Such written decision shall be served at the same time it is filed at the board office by email to an email address supplied by any person required to receive notice under G.S. 163-182.10(b). If the county board has no email address for any person required to receive notice under G.S. 163-182.10(b), the board shall serve that person by U.S. mail and immediately call that person, if the person has supplied a phone number to the board, to notify them that the decision has been filed, any means of delivery upon the protestor and any affected candidate or officeholder within 24 hours after being filed at the board office. Nothing herein shall discourage more prompt decisions and written orders.

- (3) All election protest hearings before county boards shall be recorded by a court ~~reporter, reporter or by mechanical means.~~ The hearing need not be transcribed unless the board's decision is appealed. Upon notice of appeal to the State Board of an election protest, the county board shall cause the record of the hearing to be transcribed and delivered to the State Board, at the county board's expense, within seven business days of the notice of appeal. Transcripts of hearings shall be kept for two years after their creation.
- (4) ~~If the State Board sets an appeal for hearing, it shall designate who shall appear on behalf of the county board.~~

(f) A county board of elections shall ~~timely~~ timely hear and decide all timely filed protests, unless:

- (1) the protest is administratively dismissed pursuant to 08 NCAC 02 .0114; or
- (2) the county board of elections receives alternative instructions from the State Board issued under G.S. 163-182.12.

If a protest does not concern the manner in which votes were counted or results tabulated, a county board of elections shall not delay canvass in order to hear the protest. A protest that alleges the occurrence of an election law violation regarding an insufficient number of votes to change the outcome of a contest within the jurisdiction of a county board of elections shall not delay canvass by a county board of elections.

*Authority G.S. 163-22; 163-182.10.*

**CHAPTER 09 - CONDUCT OF VOTE RECOUNTS BY COUNTY BOARDS OF ELECTIONS**

**08 NCAC 09 .0107 FIRST RECOUNT**

In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that were originally counted shall be ~~counted~~ recounted again by machine, machine, notwithstanding the method by which the ballots were originally counted. All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand by a bi-partisan team of four in accordance with 08 NCAC 09. ~~0106(d)~~ 0106(d), or duplicated and counted by machine. Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is marked, contains overvotes, or is blank. The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three business days of the demand for a mandatory recount or the decision to conduct a discretionary recount under G.S. 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting pursuant to G.S. 163-182.5.

*Authority G.S. 163-22; 163-182.7.*

**08 NCAC 09 .0110 SECONDARY RECOUNTS**

For any hand-to-eye recount conducted under G.S. 163-182.7A, each county board of elections involved in the recount shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list under G.S. 143-318.12(b)(2), county party chairs, and the candidates in the contest subject to the recount. No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs immediately upon the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount. The board of elections having jurisdiction over the ballot item under G.S. 163-182.7 shall schedule any hand-to-eye recount to begin within two business days of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount.

*Authority G.S. 163-22; 163-182.7; 163-182.7A.*

**CHAPTER 20 - ELECTION OBSERVERS**

**08 NCAC 20 .0101 ELECTION OBSERVERS CHALLENGE TO THE APPOINTMENT OF AN OBSERVER**

~~(a) Observer Lists. The chair of each political party in a county may designate two precinct specific observers to attend each voting place on Election Day and each one stop site during a primary or general election in accordance with this Rule. The precinct specific observer list may include up to eight names and shall include the times that each observer shall serve. The county party chair may designate 10 additional at large observers who may attend any voting place in the county. The list of observers for one stop must designate the names of the observers who will be present on each day of early voting and, for precinct specific observers, at each one stop site. At large observers may serve at any one stop site. The chair of each State political party may designate up to 100 additional at large observers who are~~

~~residents of the State who may attend any voting place in the State.~~

~~(b) Submission of Lists. The county party chair shall submit a written, signed list of county at large observers to the county director of elections, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day. The county party chair shall submit a written, signed list of the observers appointed for each precinct to the chief judge of each precinct, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day; the list may be delivered in care of the county director of elections. The county party chair shall submit the list of observers for one stop before 10:00 a.m. on the fifth day before the observer is to observe. The list of at large observers to serve on Election Day may be amended prior to Election Day to substitute one or all of the at large observers. The list of at large observers who serve during early voting may not be amended after 10:00 a.m. on the fifth day before the at large observer is to observe. The list of precinct specific observers to serve on Election Day may not be amended after 10:00 a.m. on the fifth day prior to Election Day. The State party chair shall submit the written, signed list of State at large observers by 10:00 a.m. on the fifth day prior to Election Day to the State Board, which shall disseminate the list to the county boards of elections. The list shall include the full name of each at large observer and the county in which the observer is registered. The State Board shall confirm that each State at large observer is a registered voter of the State. Party chairs may provide the lists by facsimile or email provided the letters are signed. Scanned signatures are permissible.~~

~~(c) Observers at Voting Place. No more than two precinct specific observers from each political party may be in the voting enclosure at any time. Only one at large observer from each political party may be in the voting enclosure at any time, even if no precinct specific observers are present. All observers, whether precinct specific or at large, may be relieved after serving no less than four hours; however, the total number of observers from each party cannot exceed three total observers in the voting enclosure at one time: two precinct specific observers and one county or State at large observer. An observer may leave the voting place without having served for four hours, but the observer cannot be replaced by a new observer until at least four hours have passed since the first observer began serving. An observer who leaves the voting place for any reason may be prohibited by the chief judge from returning if the observer's return would cause a disruption in the voting enclosure.~~

~~(d) Observer Conduct. Observers who engage in prohibited conduct after receiving a warning may be required by the chief judge to leave the voting enclosure. Prohibited activities by observers include:~~

- ~~(1) Wearing or distributing campaign material or electioneering;~~
- ~~(2) Impeding or disrupting the voting process or speaking with voters or election assistants;~~
- ~~(3) Interfering with the privacy of the voter, including positioning themselves in such a way that they can view confidential voter information on poll books or laptops or standing in such a way that they can view the contents of ballots inserted into a tabulator;~~

- ~~(4) Using an electronic device to film or take photographs inside the voting enclosure;~~
- ~~(5) Taking photographs, videos, or recording a voter without the consent of the voter and the chief judge;~~
- ~~(6) Entering the voting booth area or attempting to view voted ballots;~~
- ~~(7) Boarding a vehicle containing curbside voters; and~~
- ~~(8) Providing voter assistance.~~

~~(e) Eligibility. No person who is a candidate on the ballot in a primary or general election may serve as an observer or runner in that primary or that general election. No person who serves as an observer or runner in a primary or general election may serve as a precinct official or one stop election official in that primary or that general election.~~

~~(f) Observers for unaffiliated candidates. An unaffiliated candidate or the candidate's campaign manager may appoint two observers at each voting place as set forth in this Rule.~~

~~(g) The use of the term "chief judge" includes one stop site managers.~~

(a) Filing of Challenges. A county board of elections, by a majority vote and documented through a written statement made by any board member, may challenge the appointment of any observer appointed to serve in that county, and a chief judge of a voting place may challenge the appointment of any observer who is eligible to serve in that voting place. The challenge shall be submitted electronically or in writing to the county board of elections office before the observer is scheduled to serve. The challenge shall contain the following information:

- (1) the name of the observer;
- (2) the party or unaffiliated candidate that appointed the observer; and
- (3) the basis for the challenge pursuant to G.S. 163-45.1(f).

The county board of elections office shall immediately provide a copy of the challenge to the chair of the political party or candidate that appointed the observer. A notification sent within three business hours of receipt of the challenge to an email address provided by the chair of the political party or by the candidate appointing the observer is a method of providing immediate notice.

(b) Hearing of Challenges. Upon receiving a challenge pursuant to Paragraph (a) of this Rule, the county board of elections shall hold a hearing and decide the challenge as expeditiously as possible but no later than two days after the challenge is filed. The chair of the county board of elections shall set the time of the hearing. The hearing may be held remotely, including by telephone. The county board shall provide notice of the hearing by electronic mail or telephone to the chair of the political party or the unaffiliated candidate that appointed the observer, in addition to providing the meeting notice required by G.S. 143-318.12. If notice is by telephone, the county board shall also provide the notice by electronic mail or text message. The notice shall inform the chair of the political party or the candidate that they may waive the hearing or decline to contest the challenge, in which case no hearing shall be held, and the county board may decide the challenge, as submitted, at a meeting held at the same time as the noticed hearing. At the hearing, the county board shall

accept written or oral submissions from elections officials, observers, witnesses, and other individuals with pertinent information. The decision on the challenge shall be rendered at the meeting for which the challenge was noticed. The decision shall be reduced to writing and served within 24 hours of the meeting, either electronically or in person, to the chair of the political party or on the candidate appointing the observer.

(c) Appeals on Challenges. The decision by a county board of elections on a challenge to the appointment of an observer pursuant to Paragraph (b) of this Rule may be appealed only by the political party or candidate that appointed the observer. The county board's decision shall not be stayed pending appeal. The appeal shall be filed with the State Board of Elections via email to [legal@ncsbe.gov](mailto:legal@ncsbe.gov) no later than two hours after the county board's decision is served pursuant to Paragraph (b) of this Rule. The appeal shall contain an argument explaining why the county board's decision should be reversed on account of one or more of the grounds listed in G.S. 150B-51(b) and shall be signed by the person filing the appeal. A copy of the county board decision shall be filed with the appeal. Upon receiving an appeal, the State Board shall decide the appeal on the basis of the record and may permit oral argument on the appeal if the chair of the Board concludes that the written record alone is not legally sufficient to make a decision on the appeal. The appeal shall be decided as expeditiously as possible. The decision of the State Board shall be reduced to writing and served electronically on the chair of the political party or on the candidate appointing the observer within 24 hours of the decision having been made.

(d) An observer who is successfully challenged pursuant to this Rule shall not be permitted to serve as an observer in the primary or election during which they were challenged.

*Authority G.S. 163-22; 163-45; 163-166.6; 163-166.7; 163-22.2; 163-45.1.*

**08 NCAC 20 .0102 APPEAL OF REMOVAL OF AN OBSERVER FROM A VOTING SITE**

(a) Filing of Appeal. The decision by a chief judge to remove an observer pursuant to G.S. 163-45.1(j) may be appealed only by the chair of the political party or the candidate that appointed the observer. The appeal shall be filed with the county board of elections in the county where the observer was removed. To file the appeal, the appeal shall be emailed to the county director of elections or physically delivered to the county board office during business hours as follows:

- (1) If the observer was removed from an early voting site, the appeal shall be filed within one day of when the observer was removed.
- (2) If the observer was removed from an Election Day voting site, the appeal shall be filed within two hours of when the observer was removed.

The appeal shall contain an argument explaining why the chief judge's decision should be reversed on account of one or more of the grounds listed in G.S. 150B-51(b). It shall state whether a hearing is requested and shall be signed by the person filing the appeal. The decision to remove an observer shall not be stayed pending appeal.

(b) Hearing of Appeal. The county board shall consider appeals filed pursuant to Paragraph (a) of this Rule as follows:

- (1) If the observer was removed from an early voting site, the county board shall decide the appeal as expeditiously as possible but no later than two days after the appeal was received.
- (2) If the observer was removed from an Election Day voting site, the county board shall decide the appeal as expeditiously as possible but no later than four hours after the appeal was received.

The county board shall provide notice of the meeting at which the appeal will be decided by electronic mail or telephone to the chair of the political party or the unaffiliated candidate that appointed the observer, in addition to providing the meeting notice required by G.S. 143-318.12. If notice is by telephone, the county board shall also provide the notice by email or text message. The county board's meeting may be held remotely, including by telephone. The county board shall accept written or oral submissions from elections officials, observers, witnesses, and other individuals with pertinent information. If no hearing is requested, the county board shall decide the appeal, based on written submissions only, at a meeting held at the same time as the noticed hearing. The decision shall be reduced to writing and served within 24 hours after the meeting for early voting, and 2 hours after the meeting on Election Day, either electronically or in person, to the chair of the political party or on the candidate appointing the observer.

(c) An observer who is removed from serving as an observer pursuant to G.S. 163-45.1(j) or this Rule shall not be permitted to serve as an observer in the primary or election during which they were removed.

Authority G.S. 163-22; 163-22.2; 163-45.1.

**08 NCAC 20 .0103 IDENTIFICATION OF OBSERVERS**

Every appointed observer serving at a voting site pursuant to G.S. 163-45.1 shall wear an identification tag to make voters and elections officials aware of the observer's role in the voting site. The tag shall read "Observer for [Name] Party" or "Observer for Candidate [Name]" with the "[Name]" being the name of the political party or the candidate, as applicable.

Authority G.S. 163-22; 163-22.2; 163-45.1.

**TITLE 11 – DEPARTMENT OF INSURANCE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to amend the rule cited as 11 NCAC 12 .0332.*

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

**Proposed Effective Date:** July 1, 2025

**Public Hearing:**  
**Date:** March 11, 2025  
**Time:** 10:00 a.m.

**Location:** NC Department of Insurance, 3200 Beechleaf Ct., Raleigh, NC 27604 (Hearing Room 211)

**Reason for Proposed Action:** *The reason the change is needed is because of recently enacted legislation, SL 2023-133. Section 8 of this bill amends G.S. 58-56-26 so that the audit required by the statute does not have to be on-site and this would make conforming amendments to 11 NCAC 12 .0332.*

**Comments may be submitted to:** Alisha Benjamin, Rulemaking Coordinator, 1201 Mail Service Center, Raleigh, NC 27699-1201; email NCDOI.Rulemaking@ncdoi.gov

**Comment period ends:** April 21, 2025

**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 12 - LIFE AND HEALTH DIVISION**

**SECTION .0300 - GENERAL PROVISIONS**

**11 NCAC 12 .0332 REVIEW/AUDIT OF THIRD PARTY ADMINISTRATORS**

- (a) Definitions. As used in this rule:
- (1) "Certification" means the certification required by G.S. 58-56-26(c).
  - (2) "Insurer" has the same meaning as in G.S. 58-56-2(4).
  - (3) "Third party administrator" or "TPA" has the same meaning as in G.S. 58-56-2(5).
- (b) For the certification submitted on July 1, 2010, the insurer shall submit a certification signed by an officer of the insurer, which identifies the name and federal tax identification number of the TPA that is the subject of the certification. The certification shall contain the following language:

"I, (name and title of the officer of the insurer), am familiar with the requirements of G.S. 58-56-26(c), and hereby certify that (insurance company full licensed name and federal tax identification number) performed a ~~review, an on-site audit,~~ review, an audit, or both in accordance with G.S. 58-56-26(c) for every third party administrator identified in or attached to this certification for calendar year 2009."

The certification shall contain the names of TPAs to which G.S. 58-56-26(c) does not apply and the reasons for the exception of each TPA.

(c) For certifications submitted on July 1, 2011 and each subsequent year, each insurer shall certify that the insurer's review and ~~on-site~~ audit include:

- (1) An assessment of the TPA's business practices and procedures and evaluations of all of the following:
  - (A) The TPA's compliance with provisions of the written agreement with the insurer;
  - (B) The TPA's compliance and adherence to the TPA's internal policies and procedures for contract management, claims administration, and general administration, if applicable;
  - (C) The TPA's performance of claims adjudication and payment, if applicable;
  - (D) The TPA's performance of underwriting services, if applicable; and
  - (E) The TPA's performance of collecting premiums or other monies; and
- (2) A written summary of the objectives and scope of the review or ~~on-site~~ audit and the results of the review or ~~on-site~~ audit, including a corrective action plan addressing any deficiencies found during the review or ~~on-site~~ audit.

(d) An ~~on-site~~ audit may be conducted either on-site or virtually and shall include an inspection of the TPA's place of business and shall verify the accuracy, integrity, and completeness of the information received during a review conducted by the insurer under G.S. 58-56-26(c). An on-site audit shall also include an inspection of the TPA's place of business.

(e) In addition to a statement certifying compliance with the requirements of Paragraphs (c) and (d) of this Rule, a certification submitted on or after July 1, 2011 and each subsequent year shall be dated and include:

- (1) The insurer's name as it appears on the insurer's license or certificate of authority and the insurer's federal tax identification number;
- (2) The name and federal tax identification number of every TPA with which the insurer has a written administrative agreement under G.S. 58-56-6;
- (3) Any exceptions to the certification identifying each excepted TPA by name and federal tax identification number and an explanation for the exception of the TPA;

- (4) The year for which the certification is made; and
- (5) The name, title and signature of an officer of the insurer making the certification.

(f) A sample format for the certification is available free of charge from the Life and Health Division at the Department of Insurance Web site at [www.ncdoi.com](http://www.ncdoi.com).

(g) An insurer that did not have any written administrative agreements with TPAs during the reporting year for which the certification is required shall submit a report instead of a certification. This report shall include the information required under Paragraph (e) of this Rule; except the information required by Subparagraphs (e)(2) and (e)(3) of this Rule need not be included.

(h) A review may be conducted on the premises of the insurer or at another location designated by the insurer and may be conducted by electronic means. A review or ~~on-site~~ audit may be performed by either the insurer or the insurer's designated representative. The insurer's designated representative shall not be an employee of or independent contractor with the TPA and shall be an independent, disinterested person or entity.

(i) The certification shall be submitted annually to the Life and Health Division through the NAIC system for electronic rate and form filings ("SERFF" or its successor system or program). If an insurer is unable to use the NAIC system or program, the insurer shall submit the certification by way of the U.S. Postal Service or other mail delivery service or by way of electronic mail, compressed in Adobe Acrobat (PDF).

Authority G.S. 58-2-40; 58-56-26.

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to amend the rule cited as 11 NCAC 18 .0102.*

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

**Proposed Effective Date:** July 1, 2025

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Please email Alisha Benjamin at [NCDOI.Rulemaking@ncdoi.gov](mailto:NCDOI.Rulemaking@ncdoi.gov) or address mail Attn: Alisha Benjamin, Rulemaking Coordinator 1201 Mail Service Center, Raleigh, NC 27699-1201 to demand a public hearing to demand a public hearing.*

**Reason for Proposed Action:** *The amendment is necessary to make 11 NCAC 18 .0102 conform with the amendments to GS 58-50A-70 contained in Section 3G.1.(b) of SL 2024-57 which allow a statewide chamber of commerce or business league meeting the additional requirements of the amended statute to form a multiple employer welfare arrangement.*

Comments may be submitted to: Alisha Benjamin, Rulemaking Coordinator, 1201 Mail Service Center, Raleigh, NC 27699-1201; email NCDOL.Rulemaking@ncdoi.gov

Comment period ends: April 21, 2025

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 18 - MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

11 NCAC 18 .0102 GENERAL ELIGIBILITY

(a) Each MEWA shall provide to the Commissioner adequate documentation that the exemption under Section 501(c) or Section 501(c)(6) of the Internal Revenue Code has been granted, or that the MEWA will operate solely for the benefit of the members of the MEWA. Any profits from the operation of the MEWA shall be invested in securities as allowed by G.S. 58-7-160 through G.S. 58-7-200, and the interest or other profits accrued or received thereon shall be used to provide rate stability or provide other such benefits for the members to which the trustees and the Commissioner agree; and the trust agreement shall so state.

(b) Each MEWA shall be established by a trade association, industry association, or professional association, professional association, or chamber association.

(c) As used in this Rule:

- (1) "Industry association" means member employers who are in the same major group code, as defined by the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget; unless restricted by Subparagraph (c)(2) or (3) of this Rule.

- (2) "Professional association" means member employers who are of the same type of profession, such as physicians, dentists, accountants, lawyers, or architects; but is not limited to those professions. However, the profession must be one that is recognized by the required licensing agency.

- (3) "Trade association" means member employers who are in the same type of trade, such as plumbers or electricians; and any others that are trade designations as recognized by the required licensing agency.

- (4) "Chamber association" means a statewide chamber of commerce or business league that meets all of the criteria listed in G.S. 58-50A-70(a)(2)c.

(d) The feasibility study required by G.S. 58-49-50(7) 58-50A-80(7) shall disclose all material assumptions.

Authority G.S. 58-2-40(1); 58-49-40; 58-49-50; 58-50A-70, 58-50A-80.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to adopt the rules cited as 11 NCAC 24 .0101-.0108.

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

Proposed Effective Date: August 1, 2025

Public Hearing:

Date: April 1, 2025

Time: 10:00 a.m.

Location: NC Department of Insurance, Hearing Room 211, 3200 Beechleaf Ct., Raleigh, NC 27604

Reason for Proposed Action: S.L. 2021-161 enacted statutes for the licensure of pharmacy benefits managers (PBMs) and directed the Department to adopt rules for licensure (see G.S. 58-56A-2). Entities to be licensed as PBMs have previously been licensed or registered as third-party administrators (TPAs). Borrowing from the licensure requirements for TPAs, the proposed rules further set out the requirements for licensure as a PBM. Additionally, where G.S. 58-56A-2 give the Commissioner the authority to charge an initial application fee of \$2,000 and a renewal application fee of \$1,500, those fees will be established by the proposed rule 11 NCAC 24 .0102.

Comments may be submitted to: Alisha Benjamin, Rulemaking Coordinator, 1201 Mail Service Center, Raleigh, NC 27699-1201; email NCDOL.Rulemaking@ncdoi.gov

Comment period ends: April 21, 2025

**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 24 – PHARMACY BENEFITS MANAGEMENT**

**SECTION .0100 - GENERAL PROVISIONS**

**11 NCAC 24 .0101 DEFINITIONS: LICENSE**

**APPLICATIONS**

(a) The definitions in G.S. 58-56A-1 are incorporated into this Chapter by reference.

(b) The following definitions apply in this Chapter:

- (1) "Control." Defined in G.S. 58-19-5(2).
- (2) "Insurance." Any coverage offered or provided by an insurer.
- (3) "Material modification." Any material change in a PBM's ownership, control, or other fact or circumstance affecting the PBM's qualification for a license in this State.

(c) The following items shall be filed in order to constitute a complete application submission for initial or renewal PBM licensure:

- (1) Transmittal form;
- (2) A completed pharmacy benefits application form;
- (3) Biographical form(s) completed by principal officers;
- (4) All organizational documents of the PBM, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, or trust agreement, any other applicable documents, and all amendments to these documents;
- (5) The bylaws, rules, regulations, or similar documents regulating the internal affairs of the PBM;

(6) Annual financial statements or reports for the two most recent years that prove that the applicant is solvent and any other information the Commissioner may require in order to review the current financial condition of the applicant;

(7) A general description of the business operations, including information on staffing levels and activities proposed in this State and nationwide. The description must provide details setting forth the PBM's capability for providing a sufficient number of experienced and qualified personnel in the areas of claims processing and record keeping;

(8) A power of attorney duly executed by the PBM, if not domiciled in North Carolina, appointing the Commissioner as attorney for the PBM in and for this State, upon whom process in any legal action or proceeding against the PBM on a cause of action arising in this State may be served; and

(9) Evidence of maintenance of a fidelity bond, errors and omissions liability insurance or other security.

(d) Each applicant shall make available for inspection by the Commissioner copies of all contracts with insurers or other persons using the services of the PBM.

(e) An applicant or PBM shall notify the Commissioner of any material modification within 30 business days after the change.

(f) Copies of all forms may be obtained from the Department.

*Authority G.S. 58-2-40; 58-16-30; 58-19-5; 58-56A-2.*

**11 NCAC 24 .0102 FEES**

(a) The initial application fee for a PBM license shall be two thousand dollars (\$2,000).

(b) The annual renewal fee for a PBM license shall be one thousand five hundred dollars (\$1,500).

*Authority G.S. 58-2-40; 58-56A-2.*

**11 NCAC 24 .0103 FINANCIAL STATEMENTS**

The financial statements required by Rule .0101(c)(6) of this Section shall include a balance sheet, a statement of operations, and a statement of cash flows for the PBM's two most recent fiscal years. Financial statements shall be prepared by an independent certified public accountant. Financial statements of a PBM's parent company are acceptable if those statements contain consolidating schedules that include a breakout of the finances of the PBM, and if the certified public accountant's opinion letter does not disclaim association with the consolidating schedules.

*Authority G.S. 58-2-40; 58-2-205; 58-56A-2.*

**11 NCAC 24 .0104 DETERMINATION OF FINANCIAL RESPONSIBILITY**

In determining the financial responsibility of an applicant for a PBM license, the Department shall require that an applicant be solvent. In addition, the Department shall consider:

- (1) Liquidity;
- (2) Any internal controls the applicant may have in place to afford protection for benefit plans, which may include the manner in which benefit plan fund accounts are established; and
- (3) Segregation of duties.

Authority G.S. 58-2-40; 58-56A-2.

**11 NCAC 24 .0105 CLAIM PROCESSING BY PBMS**  
A PBM or an employee of a PBM does not have to have a license to adjust insurance claims for an insurer with which the PBM has a written agreement to provide claims processing services.

Authority G.S. 58-2-40; 58-56A-1(4); 58-56A-2.

**11 NCAC 24 .0106 PAYMENT OF CLAIMS**  
If claims filed with a PBM or insurer are not paid within 30 days after receipt of the initial claim by the PBM or the insurer, the PBM or the insurer shall at that time mail a claim status report to the claimant.

Authority G.S. 58-2-40; 58-3-225; 58-56A-2.

**11 NCAC 24 .0107 GENERAL ADMINISTRATION**  
Every PBM shall:

- (1) Establish a governing body that is authorized to set policy for the organization.
- (2) Maintain complete corporate records in a secure and accessible location.
- (3) Employ a management information system that is able to provide information on all areas of the PBM operations.
- (4) Set internal policies and procedures for contract management.

Authority G.S. 58-2-40; 58-56A-2.

**11 NCAC 24 .0108 CLAIMS PROCESSING**  
(a) Each PBM's claims processing service shall be supported by a set of written policies, procedures, and performance standards related to timeliness in payment of claims and its financial operations.  
(b) Each PBM shall develop and implement a claims processing internal audit and a quality assurance program to monitor and improve claims processing services.  
(c) Each PBM shall be accessible to insureds, insurers, and pharmacist by telephone to respond to inquiries about claims payments.

Authority G.S. 58-2-40; 58-56A-1(4); 58-56A-2.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 29 - LOCKSMITH LICENSING BOARD**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Locksmith Licensing Board intends to amend the rules cited as 21 NCAC 29 .0404, .0702, and .0703.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.nclocksmithboard.org/>

**Proposed Effective Date:** July 1, 2025

**Public Hearing:**  
**Date:** April 2, 2025  
**Time:** 12:00 p.m.  
**Location:** 4131 Parklake Ave #300, Raleigh, NC 27612

**Reason for Proposed Action:**  
*21 NCAC 29 .0404 – To increase the amount of fees required for issuance of a license*  
*21 NCAC 29 .0702 – To increase the amount of fees required for late fees and reinstatement fees for expired licenses*  
*21 NCAC 29 .0703 – To clarify requirements for reinstatement of an expired license*

**Comments may be submitted to:** *Barden Culbreth, PO Box 10972, Raleigh, NC 27605; phone (919) 838-8782; email barden@recanc.com / director@nclocksmithboard.org*

**Comment period ends:** April 21, 2025

**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

**SECTION .0400 - LICENSING REQUIREMENTS**

**21 NCAC 29 .0404 FEES**  
The license issuance fee shall be ~~two~~ three hundred dollars (~~\$200.00~~). (\$300.00). The license issuance fee shall accompany

the application for licensure. ~~In the event the applicant is denied licensure, the fee shall be refunded.~~ Replacement licenses shall be available upon written request and the fee for issuance of a replacement license shall be ten dollars (\$10.00).

*Authority G.S. 74F-6; 74F-7; 74F-9; 74F-10.*

**SECTION .0700 – LICENSE RENEWAL REQUIREMENTS**

**21 NCAC 29 .0702 DUE DATE**

- (a) Applications for license renewal shall be submitted a ~~minimum of 30 days~~ prior to the date of license expiration.
- (b) Licensees who submit their applications for renewal after the due date but before the license expiration date shall pay a late fee of one hundred fifty dollars (\$150.00), in addition to the license renewal fee set forth in Rule .0404 of this Chapter date on which the license expires, but within 12 months, thereafter shall pay a late fee of three hundred dollars (\$300.00), in addition to the license renewal fee of three hundred dollars (\$300.00). Licensees who apply to reinstate their license more than 12 months after the date on which the license expires shall pay a reinstatement fee of two hundred fifty dollars (\$250.00), in addition to the late fee of three hundred dollars (\$300.00) and the license renewal fee of three hundred dollars (\$300.00).

(c) The Board shall deem applications submitted on the date of their postmark or upon receipt by staff at the Board's offices, whichever is earlier.

*Authority G.S. 74F-6; 74F-9; 74F-10.*

**21 NCAC 29 .0703 REINSTATEMENT OF EXPIRED LICENSE**

~~(a) Licenses that have been expired for more than one year may be eligible for reinstatement.~~ A licensee with an expired license may apply for reinstatement only if he or she has completed at least eight contact hours of continuing education within one year preceding the application.

~~(b) Applicants for reinstatement shall pay the following fees:~~

- (1) ~~A license renewal fee as set forth in Rule .0404 of this Chapter;~~
- (2) ~~A late fee as set forth in Rule .0702 of this Section; and~~
- (3) ~~A reinstatement fee of one hundred fifty dollars (\$150.00).~~

*Authority G.S. 74F-6; 74F-9; 74F-10.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission on February 27, 2025 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 2<sup>nd</sup> 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)  
John Hahn  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Jake Parker (1<sup>st</sup> Vice-Chair)  
Paul Powell (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

**COMMISSION COUNSEL**

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

**RULES REVIEW COMMISSION MEETING DATES**

February 27, 2025	April 24, 2025
March 27, 2025	May 29, 2025

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**AGENDA**

**RULES REVIEW COMMISSION**

**Thursday, February 27, 2025, 10:00 A.M.**

**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. Medical Care Commission - 10A NCAC 13F .0206, .0301, .0302, .0304, .0305, .0306, .0307, .0309, .0310, .0311, .0801, .0802, .1304, .1501 (Ascher)
  2. Medical Care Commission - 10A NCAC 13F .0206, .0301, .0302, .0305, .0306, .0307, .0308, .0309, .0312, .0313, .0315, .0316, .0317, .0318, .0801, .0802 (Ascher)
  3. Crime Victims Compensation Commission - 14B NCAC 09 .0302 (Peaslee)
  4. Coastal Resources Commission - 15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1405; 15A NCAC 07J .1501, .1502, .1503 (Peaslee)
- IV. Review of Log of Filings (Permanent Rules) for rules filed December 21, 2024 through January 20, 2025
  1. Innovation Council (Wiggs)
  2. Environmental Management Commission (Peaslee)
  3. State Board of Education (Ascher)
  4. Board of Nursing (Peaslee)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
  1. Office of the State Fire Marshal - 11 NCAC 05A .1001 (Wiggs)
- VI. Existing Rules Review
  - Review of Reports
    1. 02 NCAC 31, 39, 43A, 43B, 43C, 43D, 43E, 43G, 43L, 53 – Board of Agriculture (Wiggs)
    2. 09 NCAC 03 - Office of State Budget and Management (Ascher)
    3. 09 NCAC 06A, B - Office of Information Technology Services (Ascher)
    4. 09 NCAC 06C – 911 Board (Ascher)
    5. 09 NCAC 06D - DIT Government Analytics Center (Ascher)
    6. 10A NCAC 26C .0100, Rule .0402, and .0500 - DHHS – Division of Mental Health/DD/SAS (Ascher)

7. 10A NCAC 26C .0200, .0300, Rule .0401, and .0600, 27C, 28B, 28C, 28D, 28E – Commission for Mental Health/DD/SAS (Ascher)
  8. 10A NCAC 97 – Social Services Commission (Ascher)
  9. 15A NCAC 02S - Environmental Management Commission (Ascher)
  10. 21 NCAC 06 - Board of Barber and Electrolysis Examiners (Wiggs)
  11. 24 NCAC 02 - Agricultural Finance Authority (Wiggs)
- Readoption
    1. 04 NCAC 06 - Credit Union Division (Wiggs)
    2. 15A NCAC 01A, 01S - Department of Environmental Quality (Ascher)
    3. 21 NCAC 02 – Board of Architecture and Registered Interior Designers (Wiggs)
    4. 21 NCAC 30 - Board of Massage and Bodywork Therapy (Wiggs)
- VII. Commission Business
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and ASHLEY SNYDER, in her official capacity as CODIFIER OF RULES
  - Next meeting: Thursday, March 27, 2025
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**Commission Review  
Log of Permanent Rule Filings  
December 21, 2024 through January 20, 2025**

**INNOVATION COUNCIL**

The rules in Chapter 25 concern the Innovation Counsel.

<u>Definitions</u>	04	NCAC 25	.0101
Adopt*			
<u>Nonprofit Partners</u>	04	NCAC 25	.0102
Adopt*			
<u>Nonprofit Partners Application Denial</u>	04	NCAC 25	.0103
Adopt*			
<u>Expression of Interest to Participate</u>	04	NCAC 25	.0104
Adopt*			
<u>Regulatory Sandbox Applications</u>	04	NCAC 25	.0105
Adopt*			
<u>Sandbox Application Review</u>	04	NCAC 25	.0106
Adopt*			
<u>Sandbox Operations</u>	04	NCAC 25	.0107
Adopt*			
<u>Sandbox Participant Request for Extension</u>	04	NCAC 25	.0108
Adopt*			
<u>Disciplinary Guidelines</u>	04	NCAC 25	.0109
Adopt*			
<u>Early Termination Notice and Close Out Plan Report</u>	04	NCAC 25	.0110
Adopt*			
<u>Conclusion of Sandbox Period and Business Operations</u>	04	NCAC 25	.0111
Adopt*			

**ENVIRONMENTAL MANAGEMENT COMMISSION**

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

Yadkin-Pee Dee River Basin 15A NCAC 02B .0309  
Amend\*

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); monitoring; recordkeeping; reporting (.0600); volatile organic compounds (.0900); motor vehicle emission control standard (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators and combustion units (.1200); nitrogen oxides (.1400); municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); banking emission reduction credits (.2300); and source testing (.2600).

PM2.5 Particulate Matter 15A NCAC 02D .0410  
Amend\*

**EDUCATION, STATE BOARD OF**

The rules in Chapter 6 concern elementary and secondary education. The rules in Subchapter 6C concern personnel including general provisions (.0100); teacher education (.0200); licensure and educator Preparation Programs (EPPS) (.0300); annuities and pensions (.0400); performance appraisal system (.0500); standards of professional conduct and educator discipline (.0600); and educator employment (.0700).

Denying a License Application or Suspension or Revocation... 16 NCAC 06C .0372  
Repeal\*

Reporting Requirements for Suspected Child Abuse by a Loc... 16 NCAC 06C .0373  
Repeal\*

Investigation Requirements to Determine Reasonable Cause ... 16 NCAC 06C .0374  
Repeal\*

Voluntary Surrender of an Educator License 16 NCAC 06C .0375  
Repeal\*

Reinstatement or Issuance of a Suspended, Revoked, or Den... 16 NCAC 06C .0376  
Repeal\*

Definitions 16 NCAC 06C .0601  
Readopt with Changes\*

Standards of Professional Conduct 16 NCAC 06C .0602  
Readopt with Changes\*

Investigation of Alleged Misconduct by a Licensed Profess... 16 NCAC 06C .0603  
Adopt\*

Denying or Sanctioning a License 16 NCAC 06C .0604  
Adopt\*

Disciplinary Sanctions 16 NCAC 06C .0605  
Adopt\*

Voluntary Surrender of a License 16 NCAC 06C .0606  
Adopt\*

Reinstatement of or Reconsideration for a License 16 NCAC 06C .0607  
Adopt\*

Reporting Requirements for PSU Administrators 16 NCAC 06C .0608  
Adopt\*

The rules in Subchapter 6E concern students including attendance (.0100); interscholastic athletics (.0200); and driver training (.0300),

Definitions 16 NCAC 06E .0201  
Adopt\*

Administration of Interscholastic Athletes 16 NCAC 06E .0204  
Amend\*

<u>Student Health and Safety</u> Adopt*	16	NCAC 06E .0205
<u>Athletic Trainers</u> Amend*	16	NCAC 06E .0206
<u>Student Participation Rules</u> Adopt*	16	NCAC 06E .0207
<u>Amateur Rules</u> Adopt*	16	NCAC 06E .0208
<u>Penalty Rules</u> Adopt*	16	NCAC 06E .0209
<u>Limitations on Recruiting and Undue Influence</u> Adopt*	16	NCAC 06E .0210
<u>Name, Image, and Likeness</u> Adopt*	16	NCAC 06E .0211
<u>Appeals</u> Adopt*	16	NCAC 06E .0215

**NURSING, BOARD OF**

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

<u>Eligibility and Application for Licensure by Examination</u> Amend*	21	NCAC 36 .0211
<u>Licensure by Endorsement</u> Amend*	21	NCAC 36 .0218