

NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 24 • Pages 1594 – 1634

June 16, 2025

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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 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 th 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.

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: Capacity of Texas, Inc

Applicant's Address: 401 Capacity Dr
Longview, TX 75604

Application Date: May 21, 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 / Chief Executive Officer

Joseph F LaDue, Chief Operating Officer

Nicole A Gustafson, Vice President / Treasurer

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: E – One, Inc

Applicant's Address: 1601 SW 37th Ave
Ocala, FL 34474

Application Date: May 22, 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 / Chief Executive Officer

Joseph F LaDue, Chief Operating Officer

Nicole A Gustafson, Vice President / Treasurer

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: Ferrara Fire Apparatus, Inc

Applicant's Address: 27855 James Chapel Rd
Holden, LA 70744

Application Date: May 21, 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 / Chief Executive Officer

Joseph F LaDue, Chief Operating Officer

Nicole A Gustafson, Vice President / Treasurer

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: TUYOU, LLC
Applicant's Address: 6365 S Main St
Salisbury, NC 28147

Application Date: 5/21/2025

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

Jose Antonio Mejia, President/Owner

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

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to amend the rules cited as 10A NCAC 09 .1101, .1102, .1703, .1729, and .2101.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

Proposed Effective Date: October 1, 2025

Public Hearing:

Date: August 11, 2025

Time: 11:30 am

Location: Room 165, 333 Six Forks Road, Raleigh NC and by WebEx

Reason for Proposed Action: This set of rule amendments is being submitted in order to come into full compliance with requirements of the federal Child Care Development Block Fund Grant, 42 U.S.C. §9858 (CCDBG). The CCDBG Act is the primary federal law supporting child care programs for low-income working families. It provides discretionary funding to state, territorial, and tribal agencies to subsidize child care costs for eligible children and enhance the quality and availability of child care. Discretionary CCDBG funds are combined with mandatory Child Care Entitlement to States (CCES) funds, which are permanently authorized under Section 418 of the Social Security Act and must follow CCDBG rules. Together, these funding streams form the Child Care and Development Fund (CCDF), which is administered by the U.S. Department of Health and Human Services. The CCDF provides federal subsidies for low-income families with a parent who is working or continuing their education and training. These subsidies help families pay for child care services. To receive CCDF funds, states must set educational, health, and safety standards in 11 areas, which CCDF child care providers must follow.

States must have both pre-service (or during an orientation period) and on-going minimum health and safety training requirements (appropriate to the provider setting) for providers serving CCDF children in specified topic areas. The CCDBG law does not require any specific number of pre-service and ongoing training hours for CCDF health and safety training. The NC Child Care Commission addressed the CCDBG requirements by stating all health and safety topics are covered over a specified period of time but maintain the currently required number of on-going training hours. The health and safety standards required by CCDF are designed to benefit children, parents, child care workers, and the State. The benefit to children and parents is avoiding illness and injury to children in care. The benefit to child

care workers is improved quality of child care and support for the child care workforce. Finally, the benefit to the State is ensuring continued federal CCDF Discretionary funds, which are used for child care subsidies and for activities to improve the quality and accessibility of child care.

In 2017, the NC Child Care Commission adopted rules to support the federal requirements. A recent federal audit of NC's program and rules found that NC was not in compliance with some CCDF requirements, including requiring all persons who are expected to have contact with children to complete the required health and safety training as part of their orientation. This must include all employees, substitute providers, and volunteers. For child care centers, NC's existing rules exempt substitute providers who provide services for less than 10 days in a 12-month period as well as staff members who do not have caregiving responsibilities for children. The existing rule for child care centers does not address volunteers and, as such, effectively exempts volunteers from these training requirements as well. The proposed amendments to 10A NCAC 09 .1101 and .1102 will expand the health and safety training requirement to volunteers and all substitute providers in child care centers. For family child care homes, NC's existing rules exempt substitute providers who provide services for less than 10 days in a 12-month period. The existing rule for family child care homes does apply to volunteers. The proposed amendments to 10A NCAC 09 .1703 and .1729 will expand the health and safety training requirements to all substitute providers in family child care homes. NC was also determined to be out of compliance with CCDF requirement to require in rule that the topic of child development is covered in an employee's orientation and health and safety trainings. NC's existing rules require that health and safety trainings cover 11 topic areas specified in CCDF requirements, but they do not specifically list child development as a topic area. The proposed rule amendments will add child development to the required health and safety trainings that must be provided within one year of employment to all staff (including substitutes and volunteers) at child care centers and family child care homes as required and outlined in NC's response to a federal audit.

In addition to the rule changes required to comply with federal CCDF requirements, the NC Child Care Commission is proposing an amendment to 10A NCAC 09 .2101 to clarify that religious-sponsored child care centers are not exempt from the health and safety training requirements if they participate in the child care subsidy assistance program. By law, religious-sponsored child care centers are exempt from other requirements related to licensing and employee qualifications. The proposed amendment to 10A NCAC 09 .2101 will align the rule with a declaratory ruling and longstanding practice. As such, this change will have no impact other than from incremental improvement to rule clarity.

PROPOSED RULES

Comments may be submitted to: Julie Peck, 333 Six Forks Road, Raleigh, NC 27609; email julie.peck@dhhs.nc.gov

Comment period ends: August 15, 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 (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 09 - CHILD CARE RULES

SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

- (a) Each center shall ensure that each new employee and volunteer who is expected to have contact with children receives 16 hours of ~~on-site~~ orientation within the first six weeks of employment. As part of this orientation, each new employee and volunteer shall complete six hours of orientation within the first two weeks of employment.
- (b) New staff orientation shall include an overview of the following topics, focusing on the operation of the center:

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301	Firsthand observation of the center's daily operations <u>Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development, incorporated in the NC Foundations for Early Learning and Development</u>
Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan	Instruction in the employee's assigned duties
Adequate supervision of children in accordance with 10A NCAC 09 .1801	Instruction in the maintenance of a safe and healthy environment
Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment	Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803
Prevention and control of infectious diseases, including immunization	Review of the center's purposes and goals
<u>Firsthand Observation of the center's daily operations</u>	Review of the child care licensing law and rules
	Review of <u>Quality Rating Improvement System standards Section .2800 of this Chapter</u> if the center has a two- through five- star license at the time of employment
	An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
	An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions
New staff orientation within first (2) two weeks of employment	New staff orientation within first six (6) weeks of employment
	Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants

Authority G.S. 110-85; 110-91(11); 143B-168.3.

10A NCAC 09 .1102 HEALTH AND SAFETY TRAINING REQUIREMENTS

(a) Child care administrators and staff members shall complete health and safety training within one year of employment. ~~unless the staff member has completed the training~~ Any administrator or staff member who has completed the health and safety trainings as a result of prior employment, and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1103. Any administrator or staff who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09.1103(b), and can provide proof of completion, shall not be required to repeat the course already completed 10A NCAC 09 .1103, within the year prior to beginning employment. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. ~~The following persons~~ Service providers such as speech therapists, occupational therapists, and physical therapists shall be exempt from this requirement.

- ~~(1) staff members that do not have caregiving responsibilities for a child or group of children;~~
- ~~(2) service providers such as speech therapists, occupational therapists, and physical therapists; and~~
- ~~(3) substitute providers who provide services for less than 10 days in a 12 month period.~~

(b) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;
- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment;
- (11) Child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development, incorporated in the NC Foundations for Early Learning and Development; and
- (12) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed by June 30, 2018, or for new staff hired on or after September 1, 2017, training must be completed within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at

http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed by June 30, 2018 or for new staff hired on or after September 1, 2017 training must be completed within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed

on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.

(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/services/trainings-and-professional-development/rcourse>. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3.

SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS

10A NCAC 09 .1703 ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS

(a) After receiving a license, family child care home operator shall:

- (1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for

children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;

- (2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;
- (3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;
- (4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and
- (5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements set forth in Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/>.

(b) Family child care home operators, additional caregivers and substitutes and staff members shall complete health and safety training within one year of employment. Any family child care home operator or staff member who has completed the health and safety trainings as a result of prior employment and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by this Rule. Any family child care home operator, additional caregiver or substitute who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in Subparagraph (d)(2) of this Rule, and can provide proof of completion, shall not be required to repeat the courses already completed, except as required by this Rule. unless the operator or staff member has completed the training within the year prior to beginning employment or within the year prior to receiving a license. Health and safety training shall be in addition to orientation topics reviewed during the pre-licensing visit and new staff orientation requirements set forth in Rules Rule .1702(d) and .1729(c) of this Section. The following persons shall be exempt from this requirement: service providers such as speech therapists, occupational therapists and physical therapists.

- (1) ~~service providers such as speech therapists, occupational therapists, and physical therapists; and~~
- (2) ~~substitutes who provide services for less than 10 days in a 12 month period.~~

(c) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;

PROPOSED RULES

- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
- (11) Child development, including the five major domains of language: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development, incorporated in the NC Foundations for Early Learning and Development and
- (12) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(d) After the first year of employment, the family child care home operator, and staff who work with children shall complete on-going training activities as follows:

(1)

Education and Experience	Required Training
Four-year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university	5 clock hours
Two-year degree in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential	8 clock hours
Certificate or diploma in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential	10 clock hours
10 years documented experience as a teacher,	15 clock hours

director, or caregiver in a licensed child care arrangement	
If none of the other criteria in this chart apply	20 clock hours

- (2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;
- (3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;
- (4) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of this Rule or the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

(e) For purposes of this Rule, "regionally accredited" means a college or university accredited by one of the following accrediting bodies:

- (1) Middle States Association of Colleges and Schools;
- (2) New England Association of School and Colleges;
- (3) North Central Association of Colleges and Schools;
- (4) Northwest Accreditation Commission;
- (5) Southern Association of Colleges and Schools; or
- (6) Western Association of Schools and Colleges.

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Subparagraph(d)(1) of this Rule, not to exceed 50 percent of the total required so long as:

- (1) the family child care home has a 3-5 star rated license; and
- (2) the participating operator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Rule, "countable technical assistance" means technical assistance provided to operator or caregiving staff members at a family child care home by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

- (1) a cycle of observation;
- (2) identified goals based on the observation;
- (3) a timeline for completion of identified goals;

- (4) evaluation and feedback for each participant;
- (5) technical assistance time in the family child care home; and
- (6) one-on-one consultation with each participant at a time when they are not responsible for a child or group of children.

(h) A combination of college coursework, Continuing Education Units (CEU's), clock hours, or countable technical assistance shall be used to complete the requirements in Subparagraph (d)(1) of this Rule.

(i) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:

- (1) document the individual's professional development goals;
- (2) be appropriate for the ages of children in their care;
- (3) include the continuing education, coursework or training needed to meet the individual's planned goals;
- (4) be completed by the operator and staff member in a collaborative manner; and
- (5) be maintained in their personnel file.

Sample professional development plan templates may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp.

Another form may be used other than the sample templates provided by the Division as long as the form includes the information set forth in this Rule.

(j) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

(k) Each family child care home operator shall have a record of countable technical assistance in which the operator and each staff member participates, including copies of documentation, observations and evaluations provided by the person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider. That record shall include the dates and times of technical assistance with the operator or staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

(l) The family child care home operator and staff members may meet on-going training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

- (1) Prior approval from the Division shall not be required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state, or international professional organization or its affiliates, provided the content complies with G.S. 110-91(11). Government agencies or state or national professional organizations who provide training shall submit an annual training

plan for review by the Division. The plan is not required for any state, national, or international conferences sponsored by a professional child care organization.

- (2) Prior approval from the Division shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:

- (A) complete and submit on-going training approval forms provided by the Division 15 business days prior to the training event that includes the name and qualifications of the trainer, name of training, target audience and content of the training;
- (B) submit a training roster, to the Division, listing the attendees' name, the county of employment, and day time phone number no later than 15 days after the training event;
- (C) provide training evaluations to be completed by attendees; and
- (D) keep the training rosters and evaluations on file for two years.

- (3) Distance learning shall be permitted from trainers approved by the Division or offered by an accredited post-secondary institution, as listed on the United States Department of Education's Database of Accredited Post-Secondary Institutions and Programs at <http://ope.ed.gov/accreditation/>. Distance learning shall not be permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.

(m) The Division shall approve training based upon the following factors:

- (1) the trainer's education, training, and experience relevant to the training topic;
- (2) content that is in compliance with G.S. 110-91(11); and
- (3) contact hours for the proposed content and scope of the training session.

(n) The Division shall deny approval of training to:

- (1) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
- (2) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.

(o) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division pursuant to this Rule shall be permanently ineligible to apply for approval of training.

(p) Denial of approval of training or a determination of falsification is appealable pursuant to G.S. 110-94 and the North Carolina Administrative Procedure Act, G.S. 150B-23.

Authority G.S. 110-85; 110-88; 110-91; 143B-168.3.

10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

- (1) be 21 years old;
- (2) have a high school diploma or GED;
- (3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to caring for children;
- (4) have completed a health questionnaire;
- (5) have proof of negative results of a tuberculosis test or screening completed within 12 months prior to the first day of providing care;
- (6) have submitted criminal background check forms as required in Rule .2703 of this Chapter;
- (7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
- (8) have completed ITS-SIDS training, if licensed to care for infants;
- (9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
- (10) have documentation that the operator has reviewed the requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of information required by Subparagraphs (1) through (10) of this Paragraph shall be on file in the home and available for review by the Division.

(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule except the requirements for annual training and a high school diploma or GED.

(c) The operator shall conduct 16 hours of orientation with all caregivers, prior to the individual caring for children, including substitute providers, volunteers, and uncompensated providers, who are providing care. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

- (1) recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
- (2) Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language and Development and Communications, and Cognitive Development, incorporated in the NC Foundations for Early Learning and Development
- ~~(2)~~(3) review of the home's operational policies, including the written plan of care, safe sleep

policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan, and the Emergency Preparedness and Response Plan;

- ~~(3)~~(4) adequate supervision of children in accordance with Rule .1711(a) of this Section;
- (4)(5) information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- ~~(5)~~(6) prevention and control of infectious diseases, including immunization;
- ~~(6)~~(7) firsthand observation of the home's daily operations;
- ~~(7)~~(8) instruction regarding assigned duties;
- ~~(8)~~(9) instruction in the maintenance of a safe and healthy environment;
- ~~(9)~~(10) instruction in the administration of medication to children in accordance with Rule .1720(b) of this Section;
- ~~(10)~~(11) review of the home's purposes and goals;
- ~~(11)~~(12) review of G.S. 110, Article 7 and 10A NCAC 09;
- ~~(12)~~(13) review of ~~Section .2800 of this Chapter~~ Quality Rating Improvement System standards if the operator has a two- through five- star license at the time of employment;
- ~~(13)~~(14) an explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource;
- ~~(14)~~(15) an explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations;
- ~~(15)~~(16) prevention of and response to emergencies due to food and allergic reactions; and
- ~~(16)~~(17) review of the home's handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

The operator and individual providing care shall sign and date a statement that attests that this review was completed. This statement shall be kept on file in the home and available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

(e) After the first year of employment, additional caregivers and substitutes shall complete ongoing training as outlined in Rule .1703 of this Section.

Authority G.S. 110-85; 110-88; 110-91; 143B-168.3.

SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS

10A NCAC 09 .2101 CENTERS OPERATING UNDER G.S. 110-106

(a) At least 30 days prior to the first day of operation of a new religious-sponsored child care center, the prospective operator shall send a "Letter of Intent to Operate" to the Division. That letter shall include the following:

- (1) the name, address, and telephone number of the operator and the center, if known;
- (2) the proposed number and age range of children to be served;
- (3) the center's scheduled opening date; and
- (4) required criminal history records check documentation for the prospective operator and all known staff members as set forth in G.S. 110-90.2.

A representative of the Division shall contact the prospective operator no later than seven calendar days after the Letter of Intent is received to advise the prospective operator of the applicable requirements and procedures in G.S. 110, Article 7 and this Chapter.

(b) A prospective operator who has not previously operated a religious-sponsored child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the center's opening date. Prospective operators shall download, complete, and submit the pre-licensing registration form to the Division. The Division provides regularly scheduled pre-licensing workshops for potential operators. A schedule of these workshops may be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form can be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907.

(c) The Division shall conduct an announced pre-licensing visit prior to the opening of the center, an unannounced visit within 30 days after the facility opens, and unannounced visits annually thereafter in order to ensure compliance with applicable requirements in G.S. 110, Article 7 and this Section.

(d) Within 30 days of opening, the prospective operator shall submit reports indicating that the facility meets the minimum standards for facilities as specified in G.S. 110-91 regarding local ordinances, including a building inspection, a fire inspection, and a sanitation inspection.

(e) The Division shall send a Notice of Compliance letter to the prospective operator when compliance with minimum standards for facilities as specified in G.S. 110, Article 7 has been determined. The Notice of Compliance letter shall be issued instead of a star rated license. The Notice of Compliance is not required to be posted at the child care facility.

(f) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except as follows:

Age Appropriate Activities	Rules .0508, through .0510 .0510, .0513 through .0516 and .2508
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Staff Qualifications and Training Requirements	Rules .0703(c) through (f), .0704, .0710, .0711, .0714(a) through (d) and .1101, .1102(a), (b), (e), and (g), and .1103 through .1106. <u>For programs enrolled in the Subsidized Child Care Assistance Program, the exemption related to Rules .1101, .1102, and .1103(b) do not apply and the requirements must be met.</u>
Staff Qualifications if working with school aged children only	Rule .2510

Compliance shall be documented annually using the same forms and in the same manner as for all other centers.

(g) The Division shall notify the prospective operator in writing as to whether the facility complies or does not comply with the requirements.

Authority G.S. 110-85; 110-88; 110-106; 143B-168.3.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health/DD/SAS intends to amend the rule cited as 10A NCAC 26E .0406.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-use-services>

Proposed Effective Date: *November 1, 2025*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): A person may demand a public hearing on the proposed rule by submitting a request in writing to W. Denise Baker, 3001 Mail Service Center, Raleigh, NC 27699-3001.*

Reason for Proposed Action: *On July 26, 2024, Stericycle, the owners of the only incinerator in North Carolina capable of destroying controlled substances to the point that they are non-retrievable, notified long-term care pharmacies in North Carolina that they will no longer accept bookings for witnessed destruction of controlled substances. Stericycle's business decision to no longer provide long-term care pharmacies the option of destruction of unused controlled substances from nursing homes by an incinerator within the State was not foreseen by the Department. Rule 10A NCAC 26E .0406 was amended via emergency and temporary procedures, effective September 25, 2024 and January 2, 2025 respectively, to provide immediate clarity regarding the use of federally recognized options for disposing of and destroying unused controlled substances from nursing homes, including outsourcing the destruction to reverse distributors, in order to help ensure safe, secure, and timely disposal and destruction of unused controlled substances in North Carolina. The rule is now proposed for permanent adoption.*

Comments may be submitted to: Denise Baker, 3001 Mail Service Center, Raleigh, NC 27699-3001; email dmhddsarules@dhhs.nc.gov

Comment period ends: August 15, 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.

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

CHAPTER 26 - MENTAL HEALTH, GENERAL

SUBCHAPTER 26E - MANUFACTURERS: DISTRIBUTORS: DISPENSERS AND RESEARCHERS OF CONTROLLED SUBSTANCES

SECTION .0400 - MISCELLANEOUS

10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING HOME

A pharmacy that has dispensed controlled substances dispensed for inpatient administration to individuals residing in to a licensed nursing home shall be responsible for either returning unused controlled substances to its stock, or disposing of and destroying any unused controlled substances in accordance with 21 CFR 1317.05(a) or (c), and other applicable federal regulations governing U.S. Drug Enforcement Administration (DEA) registrant collection, disposal, and destruction of unused controlled substances in licensed nursing homes, which for any reason are unused shall be returned to the pharmacy from which they were received. The pharmacist who receives these controlled substances shall return them to his stock or destroy them in accordance with the procedure outlined by the director and The pharmacy shall keep a record of this the disposal and destruction of unused controlled substances available for a minimum of two years. This record of disposal and destruction shall be kept on the Division of Mental Health, Developmental Disabilities, and

Substance Use Services (Division) form entitled "Controlled Substances Destruction Record Nursing Homes." "Record of Controlled Substances Destroyed Pursuant to Rule 10A NCAC 26E .0406". This form is available upon request at Drug Control Unit 3008 Mail Service Center Raleigh, NC 27699-3008 or nccsareg@dhhs.nc.gov. Controlled substances returned to stock must be in a hermetically sealed container or in an otherwise a pure uncontaminated condition and be identifiable. A pharmacy may outsource destruction of the unused controlled substances to a reverse distributor in accordance with 21 CFR 1317.05(a)(2), provided the pharmacy must first verify the reverse distributor is registered with the DEA as a reverse distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse distributors and destruction of unused controlled substances per 21 CFR 1317.15. Pharmacies that are authorized by the DEA as collectors may install, manage and maintain collection receptacles at nursing homes for the purpose of collection, disposal and destruction of unused controlled substances from nursing homes, in accordance with 21 CFR 1317.05(c), 21 CFR 1317.40 other applicable federal regulations governing the use of collection receptacles by authorized pharmacy collectors in nursing homes. Compliance with this Rule is subject to audit by the Division Director or their designated representative.

Authority G.S. 90-100; 143B-147.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health/DD/SAS intends to adopt the rule cited as 10A NCAC 27G .3605.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-use-services

Proposed Effective Date: November 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): A person may demand a public hearing on the proposed rule by submitting a request in writing to W. Denise Baker, 3001 Mail Service Center, Raleigh, NC 27699-3001.

Reason for Proposed Action: S.L. 2023-65 enacted G.S. 122C-35 which granted the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services authority to adopt emergency, temporary, and permanent rules for the licensure, inspection, and operation of opioid treatment program medication units and opioid treatment program mobile units, including rules concerning any of the following: (1) Compliance with all applicable Substance Abuse and Mental Health Services Administration and federal Drug Enforcement Agency regulations governing opioid treatment program mobile units and opioid treatment program medication units. (2) Identification of the location of opioid treatment program medication units and opioid treatment program mobile units. (3) Schedules for the days and hours of operation to meet client

needs. (4) Maintenance and location of records. (5) Requisite clinical staff and staffing ratios to meet immediate client needs at each opioid treatment program medication unit or opioid treatment program mobile unit, including client needs for nursing, counseling, and medical care. (6) Emergency staffing requirements to ensure service delivery. (7) Criteria for policies and procedures for a clinical and individualized assessment of individuals to receive services at an opioid treatment medication unit or opioid treatment mobile unit that consider medical and clinical appropriateness and accessibility to individuals served. (8) Number of clients allowed per opioid treatment program medication unit and opioid treatment program mobile unit, based on staffing ratios. (9) Criteria to ensure the opioid treatment program facility is providing the required counseling to individuals receiving services at an opioid treatment program medication unit or opioid treatment program mobile unit. (10) Criteria for the opioid treatment program facility to ensure that individuals receiving services at an opioid treatment program medication unit or opioid treatment program mobile unit receive medical interventions when necessary.

Comments may be submitted to: Denise Baker, 3001 Mail Service Center, Raleigh, NC 27699-3001; email dmhddsasrules@dhhs.nc.gov

Comment period ends: August 15, 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 27 - MENTAL HEALTH, COMMUNITY FACILITIES AND SERVICES

SUBCHAPTER 27G - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES

SECTION .3600 - OUTPATIENT OPIOID TREATMENT

10A NCAC 27G .3605 MEDICATION UNITS AND MOBILE UNITS

(a) Definitions

- (1) "Opioid Treatment Program" (hereinafter, OTP) means the same as defined in G.S. §122C-3(25a).
(2) "Opioid Treatment Program Facility" (hereinafter OTP Facility) means the primary location on the facility license.
(3) "Opioid Treatment Program Medication Unit" (hereinafter OTP Medication Unit) means the same as defined in G.S. § 122C-3(25b).
(4) "Opioid Treatment Program Mobile Unit" (hereinafter OTP Mobile Unit) means the same as defined in G.S. § 122C-3(25c).

(b) The OTP Facility shall provide any medical, counseling, vocational, educational, and other assessment and treatment services not provided by the OTP Medication Unit or OTP Mobile Unit.

(c) The OTP shall determine the type of services to be provided at the OTP Medication Units and OTP Mobile Units. The OTP shall clearly specify which services are offered at the OTP Medication Units and OTP Mobile Units. Any services not offered at the OTP Medication Unit or Mobile Unit shall be provided at the OTP facility.

(d) Location and Service Capacity.

- (1) The OTP shall ensure that each OTP Medication Unit and OTP Mobile Unit complies with all applicable State and Federal laws and regulations, including without limitation, Substance Abuse and Mental Health Services Administration and Federal Drug Enforcement Agency regulations governing their operation.
(2) An OTP with geographically separate OTP Medication Units and OTP Mobile Units shall maintain and provide the location of each unit associated with the OTP.
(3) The OTP Medication Units and Mobile Units shall operate within a radius of 75 miles from the Opioid Treatment Program facility.
(4) The OTP shall maintain and provide schedules for the days and hours of operation to meet patient needs.
(5) The OTP shall establish and implement an operating protocol identifying the number of patients allowed per OTP Medication Unit and OTP Mobile Unit based on staffing ratios.
(6) The OTP shall establish and implement an operating protocol which includes predetermined location(s), hours of operations, and a daily departure guide and business record of each OTP Mobile Unit's location.

(e) Staffing Requirements. The OTP shall maintain standard operating and emergency staffing to ensure service delivery at the OTP and any associated OTP Medication Units and OTP Mobile Units. Staffing shall include, but not be limited to the following:

- (1) The OTP shall have a 1.0 FTE Licensed Clinical Addiction Specialist (LCAS), or Licensed Clinical Addiction Specialist-Associate (LCAS-A) per 50 patients. This position can be filled by more than one LCAS or LCAS-A staff member (ratio 1:50); and
- (2) The OTP shall have 1.0 FTE LCAS, LCAS-A, Certified Alcohol and Drug Counselor (CADC), Certified Alcohol and Drug Counselor Intern (CADC-I), Licensed Clinical Social Worker (LCSW), Licensed Clinical Social Worker – Associate (LCSW-A), Licensed Clinical Mental Health Counselor (LCMHC), Licensed Clinical Mental Health Counselor – Associate (LCMHC-A), Licensed Marriage and Family Therapist (LMFT), Licensed Marriage and Family Therapist – Associate (LMFT-A), Licensed Psychological Associate (LPA), or Licensed Psychologist (LP) for each additional 50 patients in the program (ratio 1:50); and
- (3) The OTP shall have a Medical Director who is a physician licensed to practice medicine in North Carolina and who meets the standards and requirements outlined in 42 CFR § 8.2 and 42 CFR § 8.12(b).
 - (A) The Medical Director is responsible for ensuring all medical, psychiatric, nursing, pharmacy, toxicology, and other services offered at the OTP and any associated OTP Medication Units and OTP Mobile Units are conducted in compliance with State and Federal laws and regulations, consistent with appropriate standards of care; and
 - (B) The Medical Director shall be physically present at the OTP a minimum of 4 hours per month to assure regulatory compliance and to carry out those duties assigned to the Medical Director in 42 CFR §8.2 and 42 CFR § 8.12(b)(2).
 - (C) The Medical Director shall be responsible for supervision of any physician extender(s) and other medical staff.

(f) Each OTP shall develop and implement a policy regarding the maintenance, location, and retention of records for its OTP Medication Units and OTP Mobile Units, in accordance with State and Federal laws and regulations.

(g) Operations and Service Delivery

- (1) Each OTP Medication Unit and OTP Mobile Unit shall be deemed part of the OTP license and shall be subject to inspections the Department deems necessary to validate compliance with all applicable rules, and State and Federal laws and regulations.
- (2) The OTP shall ensure that its OTP Medication Units and OTP Mobile Units adhere to all State

- (3) and federal program requirements for Opioid Treatment Programs.
- (3) Each OTP Medication Unit and OTP Mobile Unit shall establish and implement a written policy and procedure for operations that meets the needs of its patients.
- (4) The OTP shall establish and implement policies and procedures for a clinical and individualized assessment of patients to receive services at an OTP Medication Unit or OTP Mobile Unit that considers medical and clinical appropriateness and accessibility to patients served.
- (5) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive a minimum of two counseling sessions per month during the first year of continuous treatment and a minimum of one counseling session per month after the first year and in all subsequent years of continuous treatment.
- (6) Counseling staff shall be available, either in person and on-site or by telehealth, a minimum of five days per week to offer and provide counseling in accordance with the patient's treatment plan or person-centered plan.
- (7) The OTP shall establish and implement a policy and procedure to determine the appropriateness of telehealth services for a patient that takes into consideration the patient's choice along with the patient's behavior, physical, and cognitive abilities. The patient's verbal or written consent shall be documented when telehealth services are provided.
- (8) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive medical interventions, including naloxone, when medically necessary and in compliance with the patient's treatment plan, person-centered plan, standing orders, or emergency intervention protocols.
- (9) An OTP and its associated OTP Medication Units and OTP Mobile Units shall ensure that all dosing of medication to patients on the site of the OTP and any associated OTP Medication Units and OTP Mobile Units is directly observed by a Physician, Physician Assistant, Nurse Practitioner, Pharmacist, Registered Nurse, or Licensed Practical Nurse, in accordance with applicable State and Federal Law and the OTP's Diversion Control Plan.

Authority G.S. 122C-35; 42 C.F.R. § 8.12.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend the rules cited as 15A NCAC 07H .0209, and .0309.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.deq.nc.gov/about/divisions/coastal-management/coastal-resources-commission/crc-proposed-rules>

Proposed Effective Date: November 1, 2025

Public Hearing:

Date: July 8, 2025

Time: 5:00 p.m.

Location: NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557

Reason for Proposed Action:

15A NCAC 07H .0209 - The Coastal Resources Commission is proposing to revise 15A NCAC 07H .0209(g) to provide allowance for decks and boardwalks built over water within Urban Waterfront areas to be enclosed using removable materials.

15A NCAC 07H .0309

In the event that proposed development cannot meet the oceanfront setback defined in 15A NCAC 07H .0306(a), current Rule 15A NCAC 07H .0309(b) serves as an exception for lots platted before June 1, 1979 that may allow a structure no greater than 2,000 square feet to be constructed if it can meet a minimum setback of 60 feet and be sited no further oceanward than its landward-most adjacent neighbor. The proposed amendments remove the reference to when a lot was platted, making this development option available to eligible oceanfront property owners regardless of when their lot was platted; increase the structure size limit from 2,000 square feet to 2,500 square feet; and remove the 1,000 square feet footprint condition.

Comments may be submitted to: Tancred Miller, 400 Commerce Avenue, Morehead City, NC 28557; email crcrulemaking@deq.nc.gov

Comment period ends: August 15, 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 07 - COASTAL MANAGEMENT

SUBCHAPTER 07H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0200 – THE ESTUARINE AND OCEAN SYSTEMS

15A NCAC 07H .0209 COASTAL SHORELINES

(a) Description. The Coastal Shorelines category includes estuarine shorelines and public trust shorelines.

(1) Estuarine shorelines AEC are those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality [described in Rule .0206(a) of this Section] for a distance of 75 feet landward. For those estuarine shorelines immediately contiguous to waters classified as Outstanding Resource Waters (ORW) by the Environmental Management Commission (EMC), the estuarine shoreline AEC shall extend to 575 feet landward from the normal high water level or normal water level, unless the Coastal Resources Commission establishes the boundary at a greater or lesser extent following required public hearing(s) within the affected county or counties.

(2) Public trust shorelines AEC are those non-ocean shorelines immediately contiguous to public trust areas, as defined in Rule 07H .0207(a) of this Section, located inland of the dividing line between coastal fishing waters and inland fishing waters as set forth in that agreement and extending 30 feet landward of the normal high water level or normal water level.

(b) Significance. Development within coastal shorelines influences the quality of estuarine and ocean life and is subject to the damaging processes of shore front erosion and flooding. The coastal shorelines and wetlands contained within them serve as barriers against flood damage and control erosion between the estuary and the uplands. Coastal shorelines are the intersection of the upland and aquatic elements of the estuarine and ocean

system, often integrating influences from both the land and the sea in wetland areas. Some of these wetlands are among the most productive natural environments of North Carolina and they support the functions of and habitat for many valuable commercial and sport fisheries of the coastal area. Many land-based activities influence the quality and productivity of estuarine waters. Some important features of the coastal shoreline include wetlands, flood plains, bluff shorelines, mud and sand flats, forested shorelines and other important habitat areas for fish and wildlife.

(c) Management Objective. All shoreline development shall be compatible with the dynamic nature of coastal shorelines as well as the values and the management objectives of the estuarine and ocean system. Other objectives are to conserve and manage the important natural features of the estuarine and ocean system so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing these shorelines so as to maximize their benefits to the estuarine and ocean system and the people of North Carolina.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. These uses shall be limited to those types of development activities that will not be detrimental to the public trust rights and the biological and physical functions of the estuarine and ocean system. Every effort shall be made by the permit applicant to avoid or minimize adverse impacts of development to estuarine and coastal systems through the planning and design of the development project. Development shall comply with the following standards:

- (1) All development projects, proposals, and designs shall preserve natural barriers to erosion, including peat marshland, resistant clay shorelines, and cypress-gum protective fringe areas adjacent to vulnerable shorelines.
- (2) All development projects, proposals, and designs shall limit the construction of impervious surfaces and areas not allowing natural drainage to only so much as is necessary to service the primary purpose or use for which the lot is to be developed. Impervious surfaces shall not exceed 30 percent of the AEC area of the lot, unless the applicant can demonstrate, through innovative design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. Redevelopment of areas exceeding the 30 percent impervious surface limitation shall be permitted if impervious areas are not increased and the applicant designs the project to comply with the rule to the maximum extent feasible.
- (3) All development projects, proposals, and designs shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973:
 - (A) All development projects, proposals, and designs shall provide for a buffer zone along the margin of the estuarine water that is sufficient to confine

visible siltation within 25 percent of the buffer zone nearest the land disturbing development.

- (B) No development project proposal or design shall propose an angle for graded slopes or fill that is greater than an angle that can be retained by vegetative cover or other erosion-control devices or structures.
 - (C) All development projects, proposals, and designs that involve uncovering more than one acre of land shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading; unless the project involves clearing land for the purpose of forming a reservoir later to be inundated.
- (4) Development shall not have a significant adverse impact on estuarine and ocean resources. Significant adverse impacts include development that would directly or indirectly impair water quality increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water, or cause degradation of shellfish beds.
 - (5) Development shall not interfere with existing public rights of access to, or use of, navigable waters or public resources.
 - (6) No public facility shall be permitted if such a facility is likely to require public expenditures for maintenance and continued use, unless it can be shown that the public purpose served by the facility outweighs the required public expenditures for construction, maintenance, and continued use.
 - (7) Development shall not cause irreversible damage to valuable, historic architectural or archaeological resources as documented by the local historic commission or the North Carolina Department of Natural and Cultural Resources.
 - (8) Established common-law and statutory public rights of access to the public trust lands and waters in estuarine areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the use of the accessways.
 - (9) Within the AECs for shorelines contiguous to waters classified as ORW by the EMC, no CAMA permit shall be approved for any project that would be inconsistent with rules adopted by the CRC, EMC or MFC for estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by specific use standards, no permit shall be issued if the activity would, based on site-specific information, degrade the water quality or outstanding resource values.

- (10) Within the Coastal Shorelines category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal high water level, with the exception of the following:
 - (A) Water-dependent uses as described in Rule 07H .0208(a)(1) of this Section;
 - (B) Pile-supported signs (in accordance with local regulations);
 - (C) Post- or pile-supported fences;
 - (D) Elevated, slatted, wooden boardwalks exclusively for pedestrian use and six feet in width or less. The boardwalk may be greater than six feet in width if it is to serve a public use or need;
 - (E) Crab Sheddars, if uncovered with elevated trays and no associated impervious surfaces except those necessary to protect the pump;
 - (F) Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall not singularly or collectively exceed 200 square feet;
 - (G) Grading, excavation and landscaping with no wetland fill except when required by a permitted shoreline stabilization project. Projects shall not increase stormwater runoff to adjacent estuarine and public trust waters;
 - (H) Development over existing impervious surfaces, provided that the existing impervious surface is not increased;
 - (I) Where application of the buffer requirement would preclude placement of a residential structure with a footprint of 1,200 square feet or less on lots, parcels and tracts platted prior to June 1, 1999, development shall be permitted within the buffer as required in Subparagraph (d)(10) of this Rule, providing the following criteria are met:
 - (i) Development shall minimize the impacts to the buffer and reduce runoff by limiting land disturbance to only so much as is necessary to construct and provide access to the residence and to allow installation or connection of utilities, such as water and sewer; and
 - (ii) The residential structure development shall be located a distance landward of the normal high water or normal water level equal to 20 percent of the greatest depth of the lot. Existing structures that encroach into the applicable buffer area may be replaced or repaired consistent with the criteria set out in 15A NCAC 07J .0201 and .0211; and
 - (J) Where application of the buffer requirement set out in Subparagraph (d)(10) of this Rule would preclude placement of a residential structure on an undeveloped lot platted prior to June 1, 1999 that are 5,000 square feet or less that does not require an on-site septic system, or on an undeveloped lot that is 7,500 square feet or less that requires an on-site septic system, development shall be permitted within the buffer if all the following criteria are met:
 - (i) The lot on which the proposed residential structure is to be located, is located between:
 - (I) Two existing waterfront residential structures, both of which are within 100 feet of the center of the lot and at least one of which encroaches into the buffer; or
 - (II) An existing waterfront residential structure that encroaches into the buffer and a road, canal, or other open body of water, both of which are within 100 feet of the center of the lot;
 - (ii) Development of the lot shall minimize the impacts to the buffer and reduce runoff by limiting land disturbance to only so much as is necessary to construct and provide access to the residence and to

- (iii) allow installation or connection of utilities; Placement of the residential structure and pervious decking shall be aligned no further into the buffer than the existing residential structures and existing pervious decking on adjoining lots;
- (iv) The first one and one-half inches of rainfall from all impervious surfaces on the lot shall be collected and contained on-site in accordance with the design standards for stormwater management for coastal counties as specified in 15A NCAC 02H .1005. The stormwater management system shall be designed by an individual who meets applicable State occupational licensing requirements for the type of system proposed and approved during the permit application process. If the residential structure encroaches into the buffer, then no other impervious surfaces shall be allowed within the buffer; and
- (v) The lots shall not be adjacent to waters designated as approved or conditionally approved shellfish waters by the Shellfish Sanitation Section of the Division of Marine Fisheries of the Department of Environmental Quality.

(e) The buffer requirements in Paragraph (d) of this Rule shall not apply to Coastal Shorelines where the EMC has adopted rules that contain buffer standards.

(f) Specific Use Standards for ORW Coastal Shorelines.

- (1) Within the AEC for estuarine and public trust shorelines contiguous to waters classified as ORW by the EMC, all development projects, proposals, and designs shall limit the built upon area in the AEC to no more than 25 percent or any lower site specific percentage as adopted by the EMC as necessary to protect the exceptional water quality and outstanding resource values of the ORW, and shall:
 - (A) provide a buffer zone of at least 30 feet from the normal high water line or normal water line; and

- (B) otherwise be consistent with the use standards set out in Paragraph (d) of this Rule.
- (2) Single-family residential lots that would not be buildable under the low-density standards defined in Subparagraph (f)(1) of this Rule may be developed for single-family residential purposes so long as the development complies with those standards to the maximum extent possible.
- (g) Urban Waterfronts.
 - (1) Definition. Urban Waterfronts are waterfront areas, not adjacent to ORW, in the Coastal Shorelines category that lie within the corporate limits of any municipality duly chartered within the 20 coastal counties of the state. In determining whether an area is an urban waterfront, the following criteria shall be met:
 - (A) the area lies wholly within the corporate limits of a municipality; and
 - (B) the area has a central business district or similar commercial zoning classification where there are mixed land uses, and urban level services, such as water, sewer, streets, solid waste management, roads, police and fire protection, or in an area with an industrial or similar zoning classification adjacent to a central business district.
 - (2) Significance. Urban waterfronts are recognized as having cultural, historical and economic significance for many coastal municipalities. Maritime traditions and longstanding development patterns make these areas suitable for maintaining or promoting dense development along the shore. With proper planning and stormwater management, these areas may continue to preserve local historical and aesthetic values while enhancing the economy.
 - (3) Management Objectives. To provide for the continued cultural, historical, aesthetic and economic benefits of urban waterfronts. Activities such as in-fill development, reuse and redevelopment facilitate efficient use of already urbanized areas and reduce development pressure on surrounding areas, in an effort to minimize the adverse cumulative environmental effects on estuarine and ocean systems. While recognizing that opportunities to preserve buffers are limited in highly developed urban areas, they are encouraged where practical.
 - (4) Use Standards:
 - (A) The buffer requirement pursuant to Subparagraph (d)(10) of this Rule shall not apply to development within

Urban Waterfronts that meets the following standards:

- (i) The development shall be consistent with the locally adopted land use plan;
 - (ii) Impervious surfaces shall not exceed 30 percent of the AEC area of the lot. Impervious surfaces may exceed 30 percent if the applicant can demonstrate, through a stormwater management system design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. The stormwater management system shall be designed by an individual who meets any North Carolina occupational licensing requirements for the type of system proposed and approved during the permit application process. Redevelopment of areas exceeding the 30 percent impervious surface limitation shall be permitted if impervious areas are not increased and the applicant designs the project to comply with the intent of the rule to the maximum extent feasible; and
 - (iii) The development shall meet all state stormwater management requirements as required by the EMC;
- (B) Non-water dependent uses over estuarine waters, public trust waters and coastal wetlands shall be allowed only within Urban Waterfronts as set out below.
- (i) Existing structures over coastal wetlands, estuarine waters or public trust areas may be used for commercial non-water dependent purposes. Commercial, non-water dependent uses shall be limited to restaurants and retail services. Residential uses, lodging and new parking areas shall be prohibited.
 - (ii) For the purposes of this Rule, existing enclosed structures may be replaced or expanded

vertically provided that vertical expansion does not exceed the original footprint of the structure, is limited to one additional story over the life of the structure, and is consistent with local requirements or limitations.

- (iii) New structures built for non-water dependent purposes are limited to pile-supported, single-story, unenclosed decks and boardwalks, and shall meet the following criteria:
 - (I) shall provide for enhanced public access to the shoreline;
 - (II) may be roofed, ~~but shall not be enclosed by partitions, plastic sheeting, screening, netting, lattice or solid walls of any kind;~~ but solid walls and permanent windows are prohibited. Non-permanent enclosures shall be limited to materials that are consistent with this rule and shall be non-permanent and attached to the structure in a manner that allows removal;
 - (III) the decks and boardwalks shall not have permanent or attached heating or air conditioning;
 - ~~(IV)~~(IV) shall require no filling of coastal wetlands, estuarine waters or public trust areas;
 - ~~(V)~~(V) shall not extend more than 20 feet waterward of the normal high water level or normal water level;
 - ~~(VI)~~(VI) shall be elevated at least three feet over

the wetland substrate as measured from the bottom of the decking;

~~(VI)~~(VII) shall have no more than six feet of any dimension extending over coastal wetlands;

~~(VII)~~(VIII) shall not interfere with access to any riparian property and shall have a minimum setback of 15 feet between any part of the structure and the adjacent property owners' areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the structure commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to

initiating any development;

~~(VIII)~~(IX) shall be consistent with the US Army Corps of Engineers setbacks along federally authorized waterways;

~~(IX)~~(X) shall have no significant adverse impacts on fishery resources, water quality or adjacent wetlands and there shall be no alternative that would avoid wetlands. Significant adverse impacts include the development that would impair water quality standards, increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water level, or cause degradation of shellfish beds;

~~(X)~~(XI) shall not degrade waters classified as SA or High Quality Waters or ORW as defined by the EMC;

~~(XI)~~(XII) shall not degrade Critical Habitat Areas or Primary Nursery Areas as defined by the NC Marine Fisheries Commission; and

~~(XII)~~(XIII) shall not pose a threat to navigation.

Authority G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124.

SECTION .0300 - OCEAN HAZARD AREAS

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a)

of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the ~~oceanfront~~ Ocean Hazard Area setback requirements of Rule .0306(a) of this Section would preclude placement of a structure ~~on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line~~ in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach ~~Areas~~ Areas, the structure shall be permitted seaward of the applicable setback line if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance possible on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;

- (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
- (B) ~~The footprint of the structure shall be no more than 1,000 square feet, and the total floor area of the structure shall be no more than 2,000~~ 2,500 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;
- (C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and
- (D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.

- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.
- (c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:
 - (1) piers providing public access; and
 - (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.
- (d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:
 - (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
 - (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
 - (3) The pier house shall be limited to a maximum of two stories;
 - (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
 - (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
 - (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
 - (7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.
- (e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and ~~small-scale~~ small-scale erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-scale~~ small-scale is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.
- (f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not to endanger the public or the public's use of the beach.
- (g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 18 - ELECTRICAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Electrical Contractors intends to amend the rule cited as 21 NCAC 18B .0306.

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

Proposed Effective Date: *January 1, 2026*

Public Hearing:
Date: *October 2, 2025*
Time: *8:30 a.m.*
Location: *505 North Greenfield Parkway, Suite 100, Garner, NC*

Reason for Proposed Action: *To provide the regulated contractors further guidance as to requirements of individuals to be classified as bona fide employees and regarding the use of labor staffing firms.*

Comments may be submitted to: *Tim Norman, 505 North Greenfield Parkway, Suite 100, Garner, NC 27529; phone (919) 733-9042; email tim.norman@ncbeec.org*

Comment period ends: *October 2, 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

SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL

SECTION .0300 - DEFINITIONS AND EXPLANATIONS OF TERMS APPLICABLE TO LICENSING

21 NCAC 18B .0306 BONA FIDE EMPLOYEE

(a) For the exemption for electrical work done as a bona fide employee of a license under G.S. 87-43.1(3), the following conditions must be met:

- (1) The restrictions of the employing licensee's license apply to any employee of the licensee.
(2) The employing licensee shall have control and direction of the details, methods and manner of performing the electrical work being done by the employee.
(3) The electrical work shall be performed under the supervision and direction of a listed qualified individual who is the employing licensee, or under the supervision and direction of a listed qualified individual regularly employed by the employing licensee.
(4) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees.
(5) Licensed contractors may utilize employees shared with a labor supplier but only under a written contract which allocates payroll or tax withholding obligations to the labor supplier while also placing the responsibilities of control

and supervision of all electrical work upon the listed qualified individual and licensed firm who remain obligated to the owner or general contractor for all electrical installations, and further provided that the listed qualified individual is a bona fide employee of the licensed firm.

(b) The employing licensee, the employee, and every listed qualified individual of the licensee Every listed qualified individual and all employees of the licensed firm shall furnish any information the Board may require, including affidavits, to evaluate and determine a claim of employee exemption.

(c) When the information furnished to the Board does not substantiate compliance with this Rule, the individual shall be deemed to be an independent contractor rather than an employee and shall be subject to G.S. Chapter 87, Article 4.

Authority G.S. 87-42.

CHAPTER 56 - ENGINEERS AND SURVEYORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Engineers and Surveyors intends to amend the rules cited as 21 NCAC 56 .0505, .0601, .0606, .0701, and .0804.

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

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 9:00 am

Location: Board Meeting Room, 4601 Six Forks Rd, Ste. 310, Raleigh, NC 27609

Reason for Proposed Action: The Board proposes amending 21 NCAC 56 .0505 to clarify license renewal procedures for professional engineers and streamline reporting of out-of-state disciplinary actions by reducing required disclosures.

The Board proposes amending 21 NCAC 56 .0601 to clarify education and experience requirements for applicants seeking licensure as a professional land surveyor.

The Board proposes amending 21 NCAC 56 .0606 to clarify license renewal procedures for professional land surveyors and streamline reporting of out-of-state disciplinary actions by reducing required disclosures.

The Board proposes amending 21 NCAC 56 .0701 to streamline reporting of out-of-state disciplinary actions by reducing required disclosures.

The Board proposes amending 21 NCAC 56 .0804 to clarify license renewal procedures for business firms and streamline

reporting of out-of-state disciplinary actions by reducing required disclosures.

Comments may be submitted to: S. Wesley Tripp III, 4610 Six Forks Rd, Ste 310, Raleigh, NC 27609; phone (919) 791-2000; email wtripp@ncbels.org

Comment period ends: August 15, 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 .0500 - PROFESSIONAL ENGINEER

21 NCAC 56 .0505 EXPIRATIONS EXPIRATION AND RENEWALS RENEWAL OF CERTIFICATES

(a) Professional Engineer Licensure. A license to practice professional engineering expires on the last day of each year. A licensee may renew their license through their online licensee portal on the Board's website during the renewal period beginning on the first day of December through the last day of January. An annual renewal fee of seventy-five dollars (\$75.00) for certificates of licensure for Professional Engineers shall be payable to the Board. The Board shall provide each licensed Professional Engineer a form that requires the During the renewal process, a licensee shall provide the Board the their physical places of business and residential addresses, report compliance with continuing education requirements, and report any criminal convictions or disciplinary actions described herein. The A licensee shall give notice to the Board of a change of business or residential address within 30 days of the change. The A licensee shall give notice to the Board of any criminal convictions, including DWI but not including minor traffic offenses (offenses that are not a misdemeanor or felony) or of any disciplinary actions in any jurisdiction on any license, within 30 days of the conviction or disciplinary action. conviction. A nolo contendere

plea is equated to a conviction for reporting purposes. A licensee shall give notice to the Board of any disciplinary actions received in any jurisdiction on any license resulting in a restriction on the licensee's practice within 30 days of the disciplinary action. A disciplinary action which restricts a licensee's practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(b) Engineering Intern Certificate. The Engineering Intern certificate does not expire and, therefore, does not have to be renewed.

(c) "Professional Engineer, Retired." The Board shall approve the application for use of the title for a person who has been duly licensed as a professional engineer by the Board, who chooses to relinquish or not to renew a license and has had no disciplinary action or criminal conviction that would support a determination that the licensee is not of good character and reputation.

Authority G.S. 89C-10; 89C-17; 89C-3(8a).

SECTION .0600 - PROFESSIONAL LAND SURVEYOR

21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING

(a) Education. Pursuant to G.S. 89C-13(b), the Board shall consider the education of an applicant in determining eligibility for licensure as a Professional Land Surveyor. The Certain terms used by the Board for concerning the specific education educational requirements found in G.S. 89C-13(b)(1a) to be eligible to be licensed as a Professional Land Surveyor are defined as follows:

- (1) "Bachelor of Science degree in surveying or other equivalent curriculum." curricula" These are degrees that shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. Of the 45 semester hours, a minimum of 12 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice, and 12 semester hours of advanced or theoretical surveying courses are required. The remainder of the required surveying courses may be elective-type courses in any of the categories; and
(2) "Associate degree in surveying technology." technology" are This degree degrees that shall contain a minimum of 20 semester hours, or quarter-hour equivalents. Courses, completed with a passing grade, shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and photogrammetry.
(3) An applicant wishing to complete a "Land Surveyor Apprenticeship." Apprenticeship" contemplated in G.S. 89C-13(b)(1a)(d1) shall The applicant shall have completed complete one of the following:

- (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS) levels I through IV.
 - (B) "Technologist" Certification Program of the American Society for Photogrammetry and Remote Sensing (ASPRS).
 - (C) The Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) by obtaining college semester credit hours, as modified to require the following 39 college semester hours:
 - (i) Twelve college semester hours in mathematics beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Course examples include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus; and
 - (ii) Twenty-seven college semester hours of surveying science and surveying practice. Courses shall be taught by surveying faculty qualified by education, training or experience to teach the subject matter. Examples of courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, legal principles of land surveying, boundary law, professional surveying and mapping, and remote sensing. Graduate-level surveying courses can be included to fulfill curricular requirements in this area.
 - (D) Apprenticeship program, administered through ApprenticeshipNC, or equivalent administrator, approved by the Board, as including elements equivalent to Parts (A), (B), or (C) of this Subparagraph.
- (b) Experience: Experience. Pursuant to G.S. 89C-13(b), the Board shall consider the experience of an applicant in determining eligibility for licensure as a Professional Land Surveyor.
- (1) Definition. As used in the North Carolina Engineering and Land Surveying Act, the term "progressive practical experience" means that during the period of time in which an applicant made a practical utilization of the knowledge of the principles of geometry and trigonometry in determining the shape, boundaries, position, and extent of the earth's surface, a continuous improvement, growth, and development in the utilization of that knowledge have been shown. In addition, the applicant shall show the continuous assumption of greater individual responsibility for the work product over that period of time. Required Experience. In evaluating experience, the Board shall consider an applicant's total experience record and its progressive nature. Not less than half of the required land surveying experience shall be of a professional grade and character and shall be performed under the responsible charge of a Professional Land Surveyor, or if not, the applicant shall submit a written explanation to the Board explaining why the experience should be considered acceptable. The Board shall approve the experience on a case-by-case basis if it is satisfied of the grade and character of the progressive experience. Experience gained under the technical supervision of an unlicensed individual shall be considered based upon the engineering or surveying education and experience credentials of the unlicensed supervisor. Experience gained in the armed services, typically while serving in an engineering or surveying related group, shall be accepted only if substantially equivalent to civilian work.
 - (2) Required Experience. In evaluating the work experience required, the Board shall consider the total experience record and the progressive nature of the record. Not less than half of the required land surveying experience shall be of a professional grade and character, and shall be performed under the responsible charge of a Professional Land Surveyor. If the work was not under the responsible charge of a Professional Land Surveyor, the applicant shall submit a written explanation to the Board explaining why the experience should be considered. The Board shall approve the experience on a case by case basis if it is satisfied of the grade and character of the progressive experience. Experience gained under the technical supervision of an unlicensed individual shall be considered based upon the

~~engineering education and experience credential of the unlicensed supervisor. Experience gained in the armed services, typically while serving in an engineering or surveying related group, shall be accepted only if substantially equivalent to that which would have been gained in civilian work. Definition. "Progressive practical experience" requires that during the period of time provided as experience, an applicant made a practical utilization of their acquired knowledge of the principles of geometry and trigonometry in determining the shape, boundaries, position, and extent of the earth's surface; and demonstrated a continuous improvement, growth, and development in the utilization of that knowledge. The applicant shall show the continuous assumption of greater individual responsibility for the work product over that period of time. The progressive experience on surveying projects shall be of a grade and character that shows the Board that the applicant is competent to practice surveying.~~

(3) Other Experience. The applicant shall document the nature and details of the work done in the following areas to evidence to the Board its equivalency to land surveying:

- (A) construction layout;
- (B) engineering surveying; or
- (C) part-time surveying work.

(c) Exhibits, Drawings, Maps:

(1) ~~Required Exhibit Before Principles and Practice of Surveying Examination:~~ Exhibit:

- (A) General. The applicant shall submit, along with the application, an actual map of a boundary survey of an actual project prepared under the direct supervision and responsible charge of a Professional Land Surveyor who states that the applicant did the preparatory work of the survey; that shows, by its conformance, that the applicant is knowledgeable of the contents of the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter; and that shows that the applicant is able to apply this knowledge by preparing a map in accordance with the various legal and professional requirements of land surveying.
- (B) Physical Requirement. The map submitted shall be a clean, clear, legible print of an original map in the file of a Professional Land Surveyor.
- (C) Specific Requirements. The details that shall be evaluated are those applicable to the particular project as

described in the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and as described in G.S. 47-30. In addition, the exhibit shall contain a statement that the field work, calculation, and mapping were performed by the applicant under the supervision of a Professional Land Surveyor, attested to by that Professional Land Surveyor.

(2) Requirements for Comity Applicant. The map submitted by an applicant under comity may be a representative map of an actual survey of a project or work performed in the state of licensure that is modified to meet the requirements in Subparagraph ~~(e)(2)(c)(1)~~ of this Rule and shall be evaluated in accordance with the requirements applicable to the particular project as described in the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and as described in G.S. 47-30.

Authority G.S. 89C-10; 89C-13.

21 NCAC 56 .0606 EXPIRATIONS EXPIRATION AND RENEWALS RENEWAL OF CERTIFICATES

(a) Professional Land Surveyor Licensure. A license to practice surveying expires on the last day of each year. A licensee may renew their license through their online licensee portal on the Board's website during the renewal period beginning on the first day of December through the last day of January. An annual renewal fee of seventy-five dollars (\$75.00) for certificates of licensure for Professional Land Surveyors is shall be payable to the Board. The Board shall provide each Professional Land Surveyor a form that requires the During the renewal process, a licensee to shall provide to the Board the their physical places of business and residential addresses, report compliance with continuing education requirements, and report any criminal convictions or disciplinary actions described herein. The A licensee shall give notice to the Board of a change of business or residential address within 30 days of the change. The A licensee shall give notice to the Board of any criminal convictions, including DWI but not including minor traffic offenses (offenses that are not a misdemeanor or felony) of any disciplinary actions in any jurisdiction on any license, within 30 days of the conviction or disciplinary action. conviction. A nolo contendere plea is equated to a conviction for reporting purposes. A licensee shall give notice to the Board of any disciplinary actions received in any jurisdiction on any license resulting in a restriction on the licensee's practice within 30 days of the disciplinary action. A disciplinary action which restricts a licensee's practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(b) Surveyor Intern Certificate. The surveyor intern certificate does not expire and, therefore, does not have to be renewed.

(c) "Professional Land Surveyor, Retired." The Board shall approve the application for use of the title for a person who has been duly licensed as a Professional Land Surveyor by the Board, who chooses to relinquish or not to renew a license and has had no disciplinary action that would support a determination that the licensee is not of good character and reputation.

Authority G.S. 89C-17; 89C-3(9a).

SECTION .0700 – RULES OF PROFESSIONAL CONDUCT

21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in this state. All persons licensed under the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

(b) A licensee's practice shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health, safety, and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the performance of their professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the employer, the client, the contractor, other affected parties and any appropriate regulatory agency of the possible consequences of the situation.

(c) A licensee shall perform services only in areas of the licensee's competence and:

- (1) Shall undertake to perform engineering and land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved;
- (2) May accept an assignment or project requiring education or experience outside of the licensee's own areas of competence, but only to the extent that the services are restricted to those portions or disciplines of the assignment in which the licensee is qualified. All other portions or disciplines of such assignment shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.

(d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for which the licensee was not in responsible charge of the work through direct control and personal supervision. In order to exercise responsible charge of engineering or surveying work, either when delegating

tasks to others, in circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control over the work and shall:

- (1) Have and exercise the authority to review and to change, reject or approve both the work in progress and the final work product, through examination, evaluation, communication and direction throughout the development of the work;
- (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special requirements;
- (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the work; and
- (4) Accept full responsibility for the work.
 - (A) The burden for demonstrating responsible charge lies with the licensee, including maintaining records, calculations, drawings, surveys, specifications, and other documents associated with the work.
 - (B) A licensee may affix his or her seal and signature to drawings and documents depicting the work of two or more professionals, provided it is designated by a note under the seal stating the specific subject matter for which each is responsible.

(e) A licensee shall issue public statements only in an objective and truthful manner and:

- (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony;
- (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony;
- (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any

pecuniary interest the licensee may have in the matters; and

- (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause, that are not objective and truthful, or that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners in the form of a complaint.

(f) A licensee shall avoid conflicts of interest and:

- (1) Shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances which could influence judgment or the quality of services;
- (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are disclosed to, and agreed to, in writing, by all interested parties;
- (3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;
- (4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible;
- (5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's firm in private engineering and land surveying practices;
- (6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's firm serves as a member; and
- (7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

(g) A licensee shall solicit or accept work only on the basis of qualifications and:

- (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing

salaried positions through employment agencies;

- (2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;
- (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); and
- (4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

(h) A licensee shall perform services in an ethical manner, as required by the Rules of Professional Conduct (21 NCAC 56 .0701), and in a lawful manner and:

- (1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed; and
- (2) If the licensee has knowledge or reason to believe that another person or firm may be in violation of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act (G.S. 89C), shall present such information to the Board in writing in the form of a complaint and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee from the Board. Timely is defined as within the time specified in the correspondence, or if no time is specified, within 30 days of receipt. Certified mail is timely claimed if prior

to being returned by the Post Office to the Board office.

(i) A Professional Engineer or Professional Land Surveyor ~~who has received a reprimand or civil penalty or~~ whose professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

Authority G.S. 89C-17; 89C-20.

SECTION .0800 - FIRM REGISTRATION

21 NCAC 56 .0804 ANNUAL RENEWAL AND 30-DAY REPORTING OF VIOLATIONS AND CHANGE OF ADDRESS

(a) Renewal. The certificate of licensure for a business shall be renewed annually.

(b) Expiration. The certificate of licensure expires on the last day of June following its issuance by the Board and becomes invalid on that date unless renewed.

(c) ~~Written Application. The applicant shall submit a written application on a renewal form provided by the Board that requires~~ A business may renew their license through an online portal on the Board's website beginning on the first day of June. During the renewal process, the business shall provide the physical place of business address and address, information listed in Paragraph (d) of this Rule, report of any criminal convictions or disciplinary actions, actions described in Paragraph (d) of this Rule, and pay a renewal accompanied by a fee of seventy-five dollars (\$75.00). The Board shall renew the certificate of licensure, providing that the business has complied with all rules of the Board and applicable General Statutes of North Carolina. The form shall be provided to all licensees in good standing no later than June 1st.

(d) Reporting. The business shall give notice to the Board on a change form within 30 days of any change of:

- (1) business address and branch locations;
- (2) resident professional or licensee in responsible charge;
- (3) business name;
- (4) officers, directors, or owners; or
- (5) the services being offered.

~~The business shall give notice to the Board of any disciplinary actions or conviction of any crime, in any jurisdiction on any license within 30 days of the disciplinary action or conviction.~~ The business shall give notice to the Board of any criminal convictions within 30 days of the conviction. The business shall give notice to the Board of any disciplinary actions received in any jurisdiction on any license resulting in a restriction on the business' practice within 30 days of the disciplinary action. A disciplinary action which restricts a business' practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(e) If a business fails to renew its certificate of licensure within one year of the expiration date, the business shall submit a new application for a new certificate of licensure in accordance with all requirements of 21 NCAC 56 .0802.

(f) If any business that holds a current certificate of licensure ceases business because the professional licensee receives a waiver from paying the individual renewal fee under 21 NCAC 56 .0506 or 21 NCAC 56 .0607, the annual renewal fee for the business shall be waived for the same time period.

Authority G.S. 55B-11; 57D-2-01; 89C-10; 89C-14; 89C-17; 89C-24.

TITLE 24 - INDEPENDENT AGENCIES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Occupational Safety and Health Review Commission intends to amend the rules cited as 24 NCAC 03 .0101, .0105-.0107, and .0303.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://oshrc.nc.gov/rules-procedure>

Proposed Effective Date: October 1, 2025

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Send hearing request to Karissa B. Sluss via email to NCOSHRC@oshrc.labor.nc.gov*

Reason for Proposed Action: *The amendment of rules 24 NCAC 03 .0101, .0105, .0106, .0107, & 0303 provides that parties appearing in contestment cases before the NC OSH Review Commission may choose to file and serve documents by email, without the need to also file and serve hard copies of documents by in-person delivery or by first-class mail. These rules are also being updated to correct current agency contact information and to update the agency's name to conform with N.C. Gen. Stat. 95-135.*

Comments may be submitted to: *Karissa B. Sluss, 1101 Mail Service Center, Raleigh, NC 27699; phone (984) 389-4132; email karissa.sluss@oshrc.labor.nc.gov (Please put "Public Comment" in the email subject line)*

Comment period ends: August 15, 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 03 - SAFETY AND HEALTH REVIEW COMMISSION

SECTION .0100 - GENERAL PROVISIONS

24 NCAC 03 .0101 DEFINITIONS

As used herein:

- (1) "Act" means the Occupational Safety and Health Act of North Carolina, Article 16, Chapter 95 of the General Statutes.
- (2) "Affected employee" means an employee of a cited employer who is exposed to or has access to the alleged hazard described in the citation.
- (3) "Hearing ~~examiner~~ Examiner" is synonymous with the "Administrative Law Judge" and means a person appointed by the Chairman of the ~~Safety and Health Review Board of North Carolina~~, North Carolina Occupational Safety and Health Review Commission pursuant to G.S. 95-135(c).
- (4) "Authorized employee representative" means a labor organization whether local or international which has a collective bargaining relationship with the cited employer and which represents affected employees. Such an organization may appear through an authorized representative. Affected employees may appear pro se (unrepresented by counsel), through an attorney at law or through an authorized employee representative. See Rules .0202 and .0203 of this Chapter.
- (5) "Authorized representative" includes an authorized employee representative; a bona fide full-time officer or employee of a party or intervenor which is an association, partnership, corporation, or other business entity and, for a cited employer, includes its attorney at law of record but excludes private safety consultants.
- (6) "Citation" means a written communication issued by the Commissioner of Labor to an employer pursuant to G.S. 95137.
- (7) "Notification of proposed penalty" means a written communication issued by the Commissioner of Labor to an employer pursuant to G.S. 95137.
- (8) "Day" means a calendar day.
- (9) "Working day" means all days except Saturdays, Sundays, and days which North

Carolina observes as holidays, which may differ from Federal holidays.

- (10) "Proceeding" means any proceeding before the ~~Safety and Health Review Board of North Carolina~~ North Carolina Occupational Safety and Health Review Commission or ~~hearing examiner~~ Hearing Examiner.
- (11) "Respondent" means an employer who has been issued a citation.
- (12) "Complainant" means the Commissioner of Labor of North Carolina.
- (13) "Pleadings" are complaints and answers filed under Rule .0304 of this Chapter, petitions for modification of abatement and objecting parties' responses filed under Rule .0305 of this Chapter, and statements of reasons and contestants' responses filed under Rule .0306 of this Chapter. A "motion" is not a pleading within the meaning of these Rules.
- (14) "E-File System" means to file documents with the Occupational Safety and Health Review Commission by email to the Review Commission's filing email address: NCOSHRC@oshrc.labor.nc.gov.
- (15) Unless otherwise specified, definitions set forth in G.S. 95-127 are hereby adopted.

Authority G.S. 95-135.

24 NCAC 03 .0105 EXTENSIONS OF TIME

Requests for extensions of time for the filing of any pleading or documents must be received in the Review ~~Board~~ Commission office ~~three days~~ in advance of the date on which the pleading or document is due to be filed. Such requests may be oral or in writing. Oral requests shall be followed by a letter or email addressed to the Office of the Review ~~Board~~, Commission, setting out the substance of the request. In exigent circumstances an extension of time may be granted even though the request was filed after the designated time for filing has expired. In such circumstances, the party requesting the extension must show, in writing, the reasons for the party's failure to make the request before the time prescribed for the filing had expired. The motion may be acted upon before the time for response has expired.

Authority G.S. 95-135.

24 NCAC 03 .0106 RECORD ADDRESS

- (a) The initial pleading filed by any person shall contain that person's name, physical address and mailing address, email address, and telephone number. Any change in such information must be communicated promptly in writing to the Review ~~Board~~, Commission, and to all other parties and intervenors. A party or intervenor who fails to furnish such information shall be deemed to have waived his right to notice and service under these Rules.
- (b) Representatives, parties, and intervenors who file case documents electronically in the Commission's E-File System pursuant to Rule .0108 of this Section, are responsible for both maintaining a valid email address associated with the registered account and regularly monitoring that email address.

Authority G.S. 95-135.

24 NCAC 03 .0107 SERVICE AND NOTICE

(a) At the time of filing pleadings or other documents, a copy thereof shall be served by the filing party or intervenor on every other party or intervenor by postage prepaid first-class or by personal delivery. For electronically-filed documents filed via the Review Commission's E-file System, service shall be deemed accomplished by the simultaneous service of the document by email on all other parties and intervenors in the case, together with proof of service pursuant to Paragraph (d) of this Rule. If affected employees are represented by an authorized employee representative, the Complainant and the Respondent shall serve a copy of the Statement of Employer's/Respondent's Position, and, where applicable under Rule .0304 of this Chapter, copies of the complaint and answer in this case on the authorized employee representative in accordance with Paragraph (c) of this Rule. Both the Complainant and the Respondent shall also serve on any authorized employee representative notice of any request for or proposed modification of abatement. In cases in which employees are represented by an authorized employee representative, the Complainant and Respondent shall notify the Board Review Commission of this fact within 10 days after filing of their Statement of Employer's/Respondent's Position, and in such cases, the Board Review Commission shall serve on the authorized employee representative notice of hearings and copies of any final order of the Board Review Commission or hearing examiners Hearing Examiners in the manner prescribed by Paragraph (c) of this Rule.

(b) Service upon a party or intervenor who has appeared through an authorized representative or attorney need be made only upon such authorized representative or attorney.

(c) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail, or by personal delivery, delivery, or by e-mail if agreed to by all parties. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery, delivery), or at the time the e-mail was sent (if by e-mail).

(d) Proof of service shall be accomplished by a written statement attached to the document served which sets forth the date and manner of service. Such certificate of service shall be filed with the pleading or document, pleading, document, or recording.

(e) Service to employees shall be accomplished by posting in at least one location where all affected employees have an opportunity to read the notice or pleading. Proof of posting shall be filed not later than the first working day following the posting.

(f) The Employer Respondent must post notice of contest, notice of hearing, notice of withdrawal, notice of settlement settlement, and any order or decision of a hearing examiner Hearing Examiner or of the Board Review Commission other than a procedural order, order. The Employer Respondent must also post as well as the notice informing affected employees of their right to elect party status in any proceedings pursuant to Rule .0201 of this Chapter and of their right to contest the provisions of the abatement period must be posted. period.

(g) The notice to affected employees in the following form shall be required to be posted to comply with the requirements pursuant to Paragraph (f) of this Rule and shall be as follows:

TO THE EMPLOYEES OF:

Your employer has been charged with a violation of the Occupational Safety and Health Act of North Carolina and is contesting this alleged violation before the Safety and Health Review Board, Commission, an independent agency. If you want to have a say in this matter, you must write to:

Safety and Health
Review Board of North Carolina Occupational
Safety and Health Review Commission
121 West Jones Street
1101 Mail Service Center
Raleigh, North Carolina 27603- 27699
NCOSHRC@oshrc.labor.nc.gov.

As an affected employee, you have a right to participate in this matter as a party. To participate as a party, you must request party status.

Write to:

Safety and Health
Review Board of North Carolina Occupational
Safety and Health Review Commission
121 West Jones Street
1101 Mail Service Center
Raleigh, North Carolina 27603- 27699
NCOSHRC@oshrc.labor.nc.gov.

(h) The notice of settlement and notice for modification of abatement must be posted.

(1) Settlement. In any case where a settlement is proposed, a hearing shall be held on request of any party, intervenor, employee, or authorized employee representative. The employer must post a notice indicating that a settlement is proposed and that the settlement may be approved by a hearing examiner, Hearing Examiner without a hearing, unless objection is received from any party, intervenor, employee, or authorized employee representative within 15 working days of the date of the posting of the notice of proposed settlement. Such notice of proposed settlement shall be posted promptly after the parties agree on the proposed settlement, and in no case later than five days after the agreement on the proposed settlement. The notice must inform employees that they have a right to object to the reasonableness of any abatement time and that to protect such rights they must write to the Safety and Health Review Board of North Carolina, 121 West Jones Street, Raleigh, North Carolina 27603, North Carolina Occupational Safety and Health Review Commission, 1101 Mail Service Center, Raleigh, North Carolina, 27699, NCOSHRC@oshrc.labor.nc.gov, stating the grounds for their objection and their desire to participate.

(2) Modification of Abatement. In any case where a petition for modification of abatement is filed, the employer must post a notice in a conspicuous place of this fact, together with a notice that employees or authorized employee representatives have a right to object to the

proposed modification of abatement. The notice must inform affected employees that they have a right to appear to object to the proposed modification of abatement; and that to protect such a right they must file notice of their objection within 15 working days from the date of posting of such petition for modification of abatement and documents pertaining to the case may be inspected at the Review Board Commission office. Such notice must be filed with the Safety and Health Review Board of North Carolina, 121 West Jones Street, Raleigh, North Carolina 27603. North Carolina Occupational Safety and Health Review Commission, 1101 Mail Service Center, Raleigh, North Carolina, 27699, NCOSHRC@oshrc.labor.nc.gov.

- (i) Where a notice of objection to an abatement period is filed by an employee or employee representative, it an employee or employee representative files notice of objection to an abatement period, the notice must be served on the Complainant, the Department of Labor, Commissioner of Labor of North Carolina, and on the employer in the manner described in Paragraph (c) of this Rule. The employer shall then post the notice.
- (j) Where posting is required by this Rule, such posting shall be maintained until the commencement of a hearing or until earlier disposition unless otherwise provided in these Rules.

Authority G.S. 95-135.

SECTION .0300 - PLEADINGS AND MOTIONS

24 NCAC 03 .0303 CITATION

- (a) The Commissioner of Labor shall serve on the Respondent a citation stating each standard, regulation, or section of the Act allegedly violated, a description of the alleged violation, and the date by which the violation must be corrected.
- (b) A recipient of the citation shall have 15 working days from receipt of such citation to file his notice of contest with the Commissioner of Labor. Failure to file a notice of contest within a specified time shall be deemed waiver of Respondent's right to contest the citation.
- (c) The Commissioner of Labor shall, within 10 working days of receipt of a notice of contest, transmit the original to the Board, Review Commission, together with copies of the citation and proposed penalty. The notice of contest shall include the employer's name, address, physical address and mailing address, email address, and telephone number.
- (d) After the notice of contest is filed, the Board Review Commission shall send the employer a form entitled Statement of Employer's/Respondent's Position. The Statement of Employer's/Respondent's Position must include information sufficient to:
 - (1) notify the employer and other interested persons that the North Carolina Department of

- (2) Labor has issued a citation alleging that the employer violated a particular standard(s), including the date of the alleged violation(s);
- (3) determine whether the employer admits or denies each of the charges or admits the violation but contests the amount of the proposed penalty for that violation; and advise the employer of the consequences of failing to complete and return the form, using a statement such as:

IF YOU DO NOT RESPOND IN WRITING WITH EITHER THIS FORM OR YOUR OWN STATEMENT OF POSITION BY MAILING OR DELIVERING PROVIDING IT TO THE REVIEW BOARD, COMMISSION, POSTMARKED, POSTMARKED OR DELIVERED OR EMAILED, WITHIN 20 DAYS FROM THE DAY YOU RECEIVED THIS FORM, YOUR RIGHT TO CONTEST THE NORTH CAROLINA DEPARTMENT OF LABOR'S ALLEGATIONS IS LOST.

The employer must complete the form in accordance with its instructions and return it to:

~~Safety and Health Review Board of North Carolina
North Carolina Occupational Safety and Health Review
Commission
121 West Jones Street
1101 Mail Service Center
Raleigh, North Carolina 27603- 27699-1101; or
NCOSHRC@oshrc.labor.nc.gov (if by email)~~

A copy shall also be mailed to:

~~Labor Section
N.C. Attorney General's Office Department of Justice
Labor Section
P.O. Box 629
Raleigh, North Carolina 27602.~~

- (e) Any notice of contest shall be deemed to adequately raise any issue as to the alleged violation or proposed penalty but the employer will be limited to the specifics set out in the Statement of Employer's/Respondent's Position.
- (f) In the Statement of Employer's/Respondent's Position the employer must request formal pleadings under Rule .0303 of this Section if desired. If the Complainant Respondent desires formal pleadings, he the Complainant must file a complaint within 20 days of receipt of the Statement of Employer's/Respondent's Position.
- (g) The form for Statement of Employer's/Respondent's Position shall be mailed provided to the employer with the Notice of Docketing.
- ~~(h) Failure to set out the reasons for objecting to the citation on the back of the Statement of Employer's/Respondent's Position shall not be grounds for dismissing the notice of contest, but may be grounds for a continuance in the discretion of the hearing examiner.~~

Authority G.S. 95-135.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission June 26, 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 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)
John Hahn
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd 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

June 26, 2025	August 28, 2025
July 30, 2025	September 25, 2025

AGENDA

RULES REVIEW COMMISSION

Thursday, June 26, 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. Gasoline and Oil Inspection Board - 02 NCAC 42 .0201 (Wiggs)
- IV. Review of Log of Filings (Permanent Rules) for rules filed April 21, 2025 through May 20, 2025
 1. Child Care Commission (Ascher)
 2. Sheriffs' Education and Training Standards Commission (Peaslee)
 3. Department of Labor (Peaslee)
 4. Private Protective Services Board (Peaslee)
 5. Department of Environmental Quality (Wiggs)
 6. Environmental Management Commission (Ascher)
 7. Oil and Gas Commission (Wiggs)
 8. Coastal Resources Commission (Peaslee)
 9. Commission for Public Health (Peaslee)
 10. Department of Revenue (Ascher)
 11. Board of Chiropractic Examiners (Peaslee)
 12. Locksmith Licensing Board (Peaslee)
 13. Agricultural Finance Authority (Peaslee)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
 1. Wildlife Resources Commission – 15A NCAC 10C .0325; 10D .0260 (Peaslee)
- VI. Existing Rules Review
 - Review of Reports
 1. 04 NCAC 19L – Department of Commerce (Wiggs)
 2. 10A NCAC 21, 22 - HHS - Division of Health Benefits (Wiggs)

3. 12 NCAC 10 - Sheriffs' Education and Training Standards Commission (Wiggs)
4. 14B NCAC 15A - Alcoholic Beverage Control Commission (Wiggs)
5. 15A NCAC 07B - Coastal Resources Commission (Wiggs)
6. 21 NCAC 07 - Cemetery Commission (Wiggs)
7. 21 NCAC 50 - Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors (Wiggs)
8. 21 NCAC 61 - Respiratory Care Board (Wiggs)
- Readoptions
 1. 02 NCAC 09,38,43,51,52 - Board of Agriculture (Wiggs)
 2. 02 NCAC 52K - Commissioner of Agriculture and Consumer Services (Wiggs)
 3. 15A NCAC 02S - Environmental Management Commission (Ascher)

VII. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and BRIAN LIEBMAN, in his official capacity as CODIFIER OF RULES
- Next meeting: Thursday, July 30, 2025

**Commission Review
Log of Permanent Rule Filings
April 21, 2025 through May 20, 2025**

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); multi-init child care centers (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency (.3100).

<u>Definitions</u>	10A NCAC 09 .0102
Amend*	
<u>License</u>	10A NCAC 09 .2902
Amend*	
<u>Family Services</u>	10A NCAC 09 .2905
Amend*	
<u>Facility Requirements</u>	10A NCAC 09 .3002
Amend*	
<u>Staff-to-Child Ratio and Class Size</u>	10A NCAC 09 .3009
Amend*	
<u>Family Engagement</u>	10A NCAC 09 .3010
Amend*	
<u>Scope</u>	10A NCAC 09 .3201
Adopt*	
<u>Application for a Two Through Five Start Rated License</u>	10A NCAC 09 .3202
Adopt*	
<u>Program Assessment Pathway for Child Care Centers</u>	10A NCAC 09 .3203
Adopt*	
<u>Program Assessment Pathway for Family Child Care Homes</u>	10A NCAC 09 .3204
Adopt*	

RULES REVIEW COMMISSION

<u>Classroom and Instructional Quality Pathway for Child Car...</u> Adopt*	10A NCAC 09 .3205
<u>Classroom and Instructional Quality Pathway for Family...</u> Adopt*	10A NCAC 09 .3206
<u>Accreditation and Head Start Pathway for Child Care Facil...</u> Adopt*	10A NCAC 09 .3207
<u>Enhanced Staff/Child Ratios for a Rated License for Child...</u> Adopt*	10A NCAC 09 .3208
<u>Reduced, Enhanced Staff/Child Care Rations for a Rated...</u> Adopt*	10A NCAC 09 .3209
<u>Enhanced Space Requirements for Child Care Centers</u> Adopt*	10A NCAC 09 .3210
<u>Enhanced Education Standards for Child Care Center On-Sit...</u> Adopt*	10A NCAC 09 .3211
<u>Enhanced Education Standards for Child Care Center Lead...</u> Adopt*	10A NCAC 09 .3212
<u>Enhanced Education Standards for Child Care Center Teachers</u> Adopt*	10A NCAC 09 .3213
<u>Enhanced Education Standards for Program Coordinators in ...</u> Adopt*	10A NCAC 09 .3214
<u>Enhanced Education Standards for Group Leaders in Child C...</u> Adopt*	10A NCAC 09 .3215
<u>Enhanced Education Standards for Administrators of Child ...</u> Adopt*	10A NCAC 09 .3216
<u>Enhanced Education Standards for Family Child Care Home...</u> Adopt*	10A NCAC 09 .3217
<u>Competency Evaluations</u> Adopt*	10A NCAC 09 .3218
<u>Family and Community Engagement Standards for Child Care ...</u> Adopt*	10A NCAC 09 .3219
<u>Family and Community Engagement Standards for Family Chil...</u> Adopt*	10A NCAC 09 .3220
<u>Continuous Quality Improvement (CQI) Standards</u> Adopt*	10A NCAC 09 .3221
<u>Maintaining the Star Rating</u> Adopt*	10A NCAC 09 .3222
<u>How an Operator May Request or Appeal a Change in Rating</u> Adopt*	10A NCAC 09 .3223
<u>Recognition of Quality Initiatives</u> Adopt*	10A NCAC 09 .3224
<u>Accrediting Organizations and Star Rating Equivalency</u> Adopt*	10A NCAC 09 .3225
<u>Approval of Formative Assessments</u> Adopt*	10A NCAC 09 .3226

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

<u>Lateral Transfer/Reinstatements</u> Amend*	12 NCAC 10B .0406
<u>In-State Lateral Transfer of a Deputy Sheriff</u> Adopt*	12 NCAC 10B .0411
<u>Evaluation for Training Waiver</u> Amend*	12 NCAC 10B .0505

LABOR, DEPARTMENT OF

The rules in Chapter 7 are from the Commissioner of Labor and cover the Occupational and Safety Health Act (OSHA). The rules in Subchapter 7F cover specific OSHA standards for various industries: general (.0100); construction (.0200); agriculture (.0300); shops fabricating structural steel and steel plate (.0400); maritime (.0500); communication towers (.0600); blasting and use of explosives (.0700); and cranes and derricks standards (.0900).

<u>Construction</u> Amend*	13 NCAC 07F .0201
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PRIVATE PROTECTIVE SERVICES BOARD

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); armed armored car service guards firearm registration permit (.1400); close personal protection (.1500); digital forensics examiner (.1600); and training and supervision for digital forensics examiner (D.F.E) associates (.1700).

<u>Application for Unarmed Security Guard Registration</u> Amend*	14B NCAC 16 .0701
<u>Training Requirements for Unarmed Security Guards</u> Amend*	14B NCAC 16 .0707
<u>Application/Armed Security Guard Firearm Registration Permit</u> Amend*	14B NCAC 16 .0801
<u>Accreditation Standards</u> Amend*	14B NCAC 16 .1203
<u>Application for Unarmed Armored Car Service Guard Registr...</u> Amend*	14B NCAC 16 .1301
<u>Training Requirements for Unarmed Car Service Guards</u> Amend*	14B NCAC 16 .1307
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u> Amend*	14B NCAC 16 .1401
<u>Experience Requirements for a Close Personal Protection L...</u> Amend*	14B NCAC 16 .1501
<u>Training Requirements for Close Personal Protection License</u> Amend*	14B NCAC 16 .1502

ENVIRONMENTAL QUALITY, DEPARTMENT OF

The rules in this section include express permitting (.0100).

<u>Purpose</u> Adopt*	15A NCAC 01X .0101
<u>Definitions</u> Adopt*	15A NCAC 01X .0102

<u>Applicability</u> Adopt*	15A NCAC 01X .0103
<u>Requests for Express Review</u> Adopt*	15A NCAC 01X .0104
<u>Granting Requests for Express Review</u> Adopt*	15A NCAC 01X .0105
<u>Processing of Requests for Express Review</u> Adopt*	15A NCAC 01X .0106
<u>Project Eligibility</u> Adopt*	15A NCAC 01X .0201
<u>Application Submission Requirements</u> Adopt*	15A NCAC 01X .0202
<u>Review of Applications</u> Adopt*	15A NCAC 01X .0203
<u>Project Eligibility</u> Adopt*	15A NCAC 01X .0301
<u>Application Submission Requirements</u> Adopt*	15A NCAC 01X .0302
<u>Review of Applications</u> Adopt*	15A NCAC 01X .0303

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).

<u>Tar-Pamlico Nutrient Strategy: Wastewater Discharge Requi...</u> Amend*	15A NCAC 02B .0733
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OIL AND GAS COMMISSION

The rules in chapter 05 include geophysical exploration (05C)

<u>Definitions</u> Readopt with Changes*	15A NCAC 05C .0101
<u>Correspondence</u> Readopt with Changes*	15A NCAC 05C .0103
<u>Site Regulation</u> Readopt with Changes*	15A NCAC 05C .0104
<u>Permit Required</u> Readopt with Changes*	15A NCAC 05C .0105
<u>Permit Application</u> Readopt with Changes*	15A NCAC 05C .0106
<u>Permit Duration</u> Readopt with Changes*	15A NCAC 05C .0107
<u>Geographic Limits on Work</u> Readopt with Changes*	15A NCAC 05C .0108
<u>Seismic Agents</u> Readopt with Changes*	15A NCAC 05C .0109
<u>Daily Report Required</u> Readopt with Changes*	15A NCAC 05C .0110

<u>Notification</u>	15A NCAC 05C .0111
Readopt with Changes*	
<u>Size of Explosive Charges</u>	15A NCAC 05C .0112
Readopt with Changes*	
<u>Placing of Charges</u>	15A NCAC 05C .0113
Readopt with Changes*	
<u>Removal</u>	15A NCAC 05C .0115
Readopt with Changes*	
<u>Identification</u>	15A NCAC 05C .0116
Readopt with Changes*	
<u>Pipes and Bouys</u>	15A NCAC 05C .0117
Readopt with Changes*	
<u>Explosives</u>	15A NCAC 05C .0118
Readopt with Changes*	
<u>Shooting</u>	15A NCAC 05C .0119
Readopt with Changes*	
<u>Minimum Depths</u>	15A NCAC 05C .0120
Readopt with Changes*	
<u>Detailed Provisions</u>	15A NCAC 05C .0121
Readopt with Changes*	
<u>Powers of Seismic Agents</u>	15A NCAC 05C .0123
Readopt with Changes*	
<u>Duties of Party Chief</u>	15A NCAC 05C .0124
Readopt with Changes*	
<u>Release From These Regulations</u>	15A NCAC 05C .0125
Readopt with Changes*	
<u>Duties of Operators</u>	15A NCAC 05C .0126
Readopt with Changes*	

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

Installation and Maintenance of Wheat Straw Bales for San...
Adopt*

15A NCAC 07H .0314

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 18 are from the Commission for Health Services and cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D). The rules in Subchapter 18C are water supply rules including their protection and location (.0100-.0200), submission of plans, etc. (.0300), design criteria (.0400-.0500), raw surface water facilities (.0600), surface water treatment facilities (.0700), hydropneumatic storage tanks (.0800), distribution systems (.0900), disinfection (.1000), protection of unfiltered and filtered supplies (.1100-.1200), variances (.1300), fluoridation (.1400), water quality standards and variances (.1500-.1600), systems grants (.1700), local plan approval (.1800), administrative penalties (.1900), filtration and disinfection (.2000); operating permits (.2100); and ground water systems (.2200).q

Control of Per-And Polyfluoralkyl Substances
Adopt*

15A NCAC 18C .1540

REVENUE, DEPARTMENT OF

The rules in Chapter 4 are from the License and Excise Tax Division. The rules in Subchapter 04B concern license taxes including attorneys at law and other professionals (.0600); installment paper dealer (.2900); loan agencies or brokers (.3300).

Independent Bookkeeping
Repeal*

17 NCAC 04B .0603

CPA's: Not a Regulatory License
Repeal*

17 NCAC 04B .0604

Draftsman
Repeal*

17 NCAC 04B .0605

Grave Plots
Repeal*

17 NCAC 04B .0606

Optician
Repeal*

17 NCAC 04B .0609

Physical Therapist
Repeal*

17 NCAC 04B .0610

Practicing Physicians
Repeal*

17 NCAC 04B .0611

Government Attorneys-at-Law and Other Professionals Exemp...
Repeal*

17 NCAC 04B .0612

Psychologist
Repeal*

17 NCAC 04B .0614

CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

Licensure; Renewal of License
Amend*

21 NCAC 10 .0204

LOCKSMITH LICENSING BOARD

RULES REVIEW COMMISSION

The rules in Chapter 29 include general rules (.0100); rules about examinations (.0200); licensing requirements (.0400); code of ethics (.0500); administrative law procedures (.0600); license renewal requirements (.0700); and continuing education (.0800).

<u>Fees</u> Amend*	21	NCAC	29	.0404
<u>Due Date</u> Amend*	21	NCAC	29	.0702
<u>Reinstatement of Expired License</u> Amend*	21	NCAC	29	.0703

AGRICULTURAL FINANCE AUTHORITY

The rules in Subchapter 2D concern the large animal healthcare enhancement advisory committee.

<u>Purpose</u> Adopt*	24	NCAC	02D	.0101
<u>Definitions</u> Adopt*	24	NCAC	02D	.0102
<u>Evaluation of Applications</u> Adopt*	24	NCAC	02D	.0103
<u>Grant Agreement</u> Adopt*	24	NCAC	02D	.0104
<u>Reporting</u> Adopt*	24	NCAC	02D	.0105
<u>Records</u> Adopt*	24	NCAC	02D	.0106

**Commission Review
Log of Temporary Rule Filings
June 01, 2025 through June 26, 2025**

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish in inland fishing waters (.0300); nongame fish in inland fishing waters (.0400); primary nursery areas (.0500); anadromous fish spawning areas (.0600); game fish in coastal fishing waters (.0700); and joint fishing waters (.0800).

<u>Trout</u> Amend*	15A	NCAC	10C	.0325
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The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

<u>Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay...</u> Amend*	15A	NCAC	10D	.0260
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