

Commission Review
Log of Permanent Rule Filings
January 22, 2014 through February 20, 2014

* Approval Recommended, ** Objection Recommended, *** Other

INDUSTRIAL COMMISSION

The Industrial Commission filed the following logged permanent rules on March 11, 2014, in accordance with Session Law 2013-294, Section 11. The legislation states the following:

[T]he Industrial Commission shall adopt permanent rules in accordance with the provisions of this act using the procedure and time lines for temporary rules set forth in G.S. 150B-21.1(a3). Rules adopted by the Industrial Commission in accordance with this section shall be subject to review by the Rules Review Commission as provided by G.S. 150B-21.1(b); provided however, that if the rules are approved by the Rules Review Commission, they shall become effective as provided by G.S. 150B-21.3(b).

G.S. 150B-21.1(b) states that the Rules Review Commission must review rules submitted under the temporary rulemaking process within 15 business days of receipt.

The rules in Subchapter 10A concern workers' compensation rules including administration (.0100); notice of act (.0200); insurance (.0300); disability, compensation, fees (.0400); agreements (.0500); claims administration and procedures (.0600); appeals (.0700); rules of the commission (.0800); report of earnings (.0900); and preauthorization for medical treatment (.1000).

<u>Official Forms</u>	04 NCAC 10A .0102
Amend/*	
<u>Reinstatement of Compensation</u>	04 NCAC 10A .0405
Amend/*	
<u>Safety Rules</u>	04 NCAC 10A .0410
Adopt/*	
<u>Employer's Obligations Upon Notice; Denial of Liability; ...</u>	04 NCAC 10A .0601
Amend/*	
<u>Responding to a Party's Request for Hearing</u>	04 NCAC 10A .0603
Amend/*	
<u>Discovery</u>	04 NCAC 10A .0605
Amend/*	
<u>Statement of Incident Leading to Claim</u>	04 NCAC 10A .0608
Amend/*	
<u>Medical Motions and Emergency Medical Motions</u>	04 NCAC 10A .0609A
Amend/**	
<u>Depositions</u>	04 NCAC 10A .0612
Amend/*	
<u>Expert Witnesses and Fees</u>	04 NCAC 10A .0613
Amend/*	
<u>Review by the Full Commission</u>	04 NCAC 10A .0701
Amend/*	
<u>Remand from the Appellate Courts</u>	04 NCAC 10A .0704
Amend/*	

Waiver of Rules 04 NCAC 10A .0801
Amend/*

The rules in Subchapter 10B concern tort claims rules including administration (.0100); claims procedures (.0200); appeals to full commission (.0300); appeals to the court of appeals (.0400); and rules of the commission (.0500).

Waiver of Rules 04 NCAC 10B .0501
Amend/*

The rules in Subchapter 10C concern North Carolina Industrial Commission Rules for Utilization of Rehabilitation Professionals in Workers' Compensation Claims including administration (.0100); and rules of the commission (.0200).

Definitions 04 NCAC 10C .0103
Amend/*

Interaction with Physicians 04 NCAC 10C .0108
Amend/*

Vocational Rehabilitation Services and Return to Work 04 NCAC 10C .0109
Amend/*

Waiver of Rules 04 NCAC 10C .0201
Adopt/*

The rules in Subchapter 10D concern workers' compensation rules for managed care organizations.

Waiver of Rules 04 NCAC 10D .0110
Amend/*

The rules in Subchapter 10E concern the administrative rules of the Industrial Commission including administration (.0100); fees (.0200); and rules of the Commission (.0300).

Admission of Out-of-State Attorneys to Appear Before the ... 04 NCAC 10E .0103
Adopt/**

Secure Leave Periods for Attorneys 04 NCAC 10E .0104
Adopt/**

Document and Record Fees 04 NCAC 10E .0201
Adopt/*

Hearing Costs or Fees 04 NCAC 10E .0202
Adopt/*

Fees Set by the Commission 04 NCAC 10E .0203
Adopt/*

Waiver of Rules 04 NCAC 10E .0301
Adopt/*

The rules in Subchapter 10G concern North Carolina Industrial Commission rules for mediated settlement and neutral evaluation conferences.

Foreign Language Interpreters 04 NCAC 10G .0104A
Amend/*

Compensation of the Mediator 04 NCAC 10G .0107

Amend/*
Waiver of Rules 04 NCAC 10G .0110
Amend/*

The rules in Subchapter 10H concern the administration of the rules of the Industrial Commission Relating to the Law-Enforcement Officers', Firemen's Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act.

Waiver of Rules 04 NCAC 10H .0206
Adopt/*

The rules in Subchapter 10I concern the administration of the childhood vaccine-related injury rules of the North Carolina Industrial Commission.

Waiver of Rules 04 NCAC 10I .0204
Adopt/*

The rules in Subchapter 10J concern the fees for medical compensation.

Fees for Medical Compensation 04 NCAC 10J .0101
Amend/*

The rules in Subchapter 10L concern workers' compensation forms.

Form 21 - Agreement for Compensation for Disability 04 NCAC 10L .0101
Adopt/*

Form 26 - Supplemental Agreement as to Payment of Compens... 04 NCAC 10L .0102
Adopt/*

Form 26A - Employer's Admission of Employee's Rights to P... 04 NCAC 10L .0103
Adopt/*

Subpoena 04 NCAC 10L .0104
Adopt/*

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).

Definitions 15A NCAC 18C .0102
Amend/*

Surface Supplies for Public Water Systems 15A NCAC 18C .0201
Amend/*

<u>Removal of Dissolved Matter and Suspended Matter</u> Amend/*	15A NCAC 18C .0202
<u>Submittals</u> Amend/*	15A NCAC 18C .0302
<u>Minimum Requirements</u> Amend/*	15A NCAC 18C .0401
<u>Water Supply Wells</u> Amend/	15A NCAC 18C .0402
<u>Storage of Finished Water</u> Amend/*	15A NCAC 18C .0405
<u>Distribution Systems</u> Amend/*	15A NCAC 18C .0406
<u>Sedimentation Basin</u> Amend/*	15A NCAC 18C .0706
<u>Other Design Standards</u> Amend/*	15A NCAC 18C .0715
<u>Capacities: Determining Peak Demand</u> Amend/*	15A NCAC 18C .0802
<u>Capacities: Elevated Storage</u> Amend/*	15A NCAC 18C .0805
<u>Valves</u> Amend/*	15A NCAC 18C .0907
<u>Fishing</u> Amend/*	15A NCAC 18C .1204
<u>Control of Treatment Process</u> Amend/*	15A NCAC 18C .1406
<u>Turbidity Sampling and Analysis</u> Amend/*	15A NCAC 18C .1505
<u>Maximum Contaminant Levels for Turbidity</u> Amend/*	15A NCAC 18C .1506
<u>Corrosion Control and Lead and Copper Monitoring</u> Amend/*	15A NCAC 18C .1507
<u>Inorganic Chemical Sampling and Analysis</u> Amend/*	15A NCAC 18C .1508
<u>Special Monitoring for Sodium</u> Amend/*	15A NCAC 18C .1509
<u>Maximum Contaminant Levels for Inorganic Chemicals</u> Amend/*	15A NCAC 18C .1510
<u>Organic Chemicals Other than TTHM, Sampling and Analysis</u> Amend/*	15A NCAC 18C .1515
<u>Special Monitoring for Inorganic and Organic Chemicals</u> Amend/*	15A NCAC 18C .1516
<u>Maximum Contaminant Levels for Organic Chemicals</u> Amend/*	15A NCAC 18C .1517
<u>Maximum Contaminant Levels for Organic Contaminants</u> Amend/*	15A NCAC 18C .1518
<u>Monitoring Frequency for Radioactivity</u> Amend/*	15A NCAC 18C .1519
<u>Maximum Contaminant Levels for Radionuclides</u>	15A NCAC 18C .1520

Amend/*	
<u>Maximum Contaminant Level Gas for Radionuclides</u>	15A NCAC 18C .1521
Amend/*	
<u>Analytical Methods for Radioactivity</u>	15A NCAC 18C .1522
Amend/*	
<u>Public Notification Requirements</u>	15A NCAC 18C .1523
Amend/*	
<u>Reporting Requirements</u>	15A NCAC 18C .1525
Amend/*	
<u>Record Maintenance</u>	15A NCAC 18C .1526
Amend/*	
<u>Coliform Sampling</u>	15A NCAC 18C .1534
Amend/*	
<u>Treatment Techniques</u>	15A NCAC 18C .1536
Amend/*	
<u>Drinking Water Additives</u>	15A NCAC 18C .1537
Amend/*	
<u>Consumer Confidence Report</u>	15A NCAC 18C .1538
Amend/*	
<u>Public Hearings on Variances and Schedules</u>	15A NCAC 18C .1605
Amend/*	
<u>Variances and Exemptions for Chemicals, Lead and Copper, ...</u>	15A NCAC 18C .1607
Amend/*	
<u>Public Hearings on Exemption Schedules</u>	15A NCAC 18C .1612
Amend/*	
<u>Bottled Water and Point-of-Use Devices</u>	15A NCAC 18C .1614
Amend/*	
<u>Purpose</u>	15A NCAC 18C .1701
Repeal/*	
<u>Grant Commitments from Current Allocation</u>	15A NCAC 18C .1702
Repeal/*	
<u>County Allocations Committed Before Statewide Allocation</u>	15A NCAC 18C .1703
Repeal/*	
<u>Reference Rule</u>	15A NCAC 18C .1704
Repeal/*	
<u>Application for Certification</u>	15A NCAC 18C .1802
Amend/*	
<u>Administrative Penalties</u>	15A NCAC 18C .1902
Amend/*	
<u>Considerations in Assessing Administrative Penalties</u>	15A NCAC 18C .1906
Amend/*	
<u>Disinfection</u>	15A NCAC 18C .2002
Amend/*	
<u>Filter Backwash Recycling Rule</u>	15A NCAC 18C .2003
Amend/*	
<u>Analytical and Monitoring Requirements</u>	15A NCAC 18C .2004
Amend/*	
<u>Reporting and Record Keeping Requirements</u>	15A NCAC 18C .2006
Amend/*	

<u>Enhanced Filtration and Disinfection</u> Amend/*	15A NCAC 18C .2007
<u>Disinfectants and Disinfection Byproducts</u> Amend/*	15A NCAC 18C .2008
<u>Application for Permit</u> Amend/*	15A NCAC 18C .2102
<u>Ground Water Rule</u> Amend/*	15A NCAC 18C .2202

EDUCATION, STATE BOARD OF

The rules in Subchapter 6D cover instruction including curriculum (.0100), textbooks (.0200), testing programs (.0300), and accountability standards and graduation requirements (.0500).

<u>NC General Assembly's Read to Achieve Program</u> Adopt/*	16 NCAC 06D .0508
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The rules in Subchapter 6G relate to education agency relations including rules about the school-based management and accountability program (.0300) and charter schools (.0500).

<u>High School Accreditation Framework</u> Adopt/*	16 NCAC 06G .0203
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GENERAL CONTRACTORS, LICENSING BOARD FOR

The rules of the Licensing Board for General Contractors include the board's organization (.0100); licensing requirements (.0200); application procedures (.0300); examinations (.0400); licenses (.0500); disciplinary procedures (.0700); contested cases (.0800); and home-owners recovery fund (.0900).

<u>Structure of the Board</u> Amend/*	21 NCAC 12 .0103
<u>Classification</u> Amend/*	21 NCAC 12 .0202
<u>Eligibility</u> Amend/*	21 NCAC 12 .0204
<u>Filing Deadline/App Seeking Qual/Emp/Another</u> Amend/*	21 NCAC 12 .0205
<u>Application</u> Amend/*	21 NCAC 12 .0209
<u>Licensure for Military-Trained Applicant; Licensure for M...</u> Adopt/*	21 NCAC 12 .0309
<u>Renewal of License</u> Amend/*	21 NCAC 12 .0503
<u>Improper Practice</u> Amend/*	21 NCAC 12 .0701
<u>Unlawful Practice</u> Amend/*	21 NCAC 12 .0702
<u>Fee for Submittal of Bad Check</u> Amend/*	21 NCAC 12 .0703

<u>Definitions</u>	21	NCAC 12	.0901
Amend/*			
<u>Processing of Application</u>	21	NCAC 12	.0906
Amend/*			

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16N concern rule-making and administrative hearing procedures including petitions for rulemaking (.0100); notice of rule-making hearings (.0200); rule-making hearings (.0300); declaratory rulings (.0400); administrative hearing procedures (.0500); and administrative hearings, decisions, related rights and procedures (.0600).

<u>Request to Participate</u>	21	NCAC 16N	.0301
Repeal/*			
<u>Content of Request: General Time Limitations</u>	21	NCAC 16N	.0302
Amend/*			
<u>Receipt of Request: Specific Time Limits</u>	21	NCAC 16N	.0303
Repeal/*			

The rules in Subchapter 16T concern patient records.

<u>Transfer of Records Upon Request</u>	21	NCAC 16T	.0102
Amend/*			

HEARING AID DEALERS AND FITTERS BOARD

The rules in Subchapter 22F concern general examination and license provisions.

<u>Qualifications to Register for Exam</u>	21	NCAC 22F	.0104
Amend/*			
<u>Passing Examination</u>	21	NCAC 22F	.0105
Amend/*			
<u>Apprenticeship Requirements</u>	21	NCAC 22F	.0113
Repeal/*			
<u>Training and Supervision</u>	21	NCAC 22F	.0114
Repeal/*			
<u>Sponsors' Duties</u>	21	NCAC 22F	.0115
Repeal/*			
<u>Separation of Apprentice and Sponsor</u>	21	NCAC 22F	.0116
Repeal/*			
<u>Apprenticeship Requirements</u>	21	NCAC 22F	.0301
Adopt/*			
<u>Sponsors' Duties</u>	21	NCAC 22F	.0302
Adopt/*			
<u>Certificate Expiration</u>	21	NCAC 22F	.0303
Adopt/*			
<u>Separation of Apprentice and Sponsor</u>	21	NCAC 22F	.0304
Adopt/*			
<u>Report of Apprenticeship Experience</u>	21	NCAC 22F	.0305
Adopt/*			

Apprentice Discipline
Adopt/*

21 NCAC 22F .0306

ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

The rules in Chapter 39 are from the Onsite Wastewater Contractors and Inspectors Certification Board and include definitions (.0100); certification of onsite wastewater contractors or inspectors (.0200); onsite wastewater contractor or inspector fees (.0300); certification by examination (.0400); certification renewal (.0500); continuing education requirements (.0600); and procedures for disciplinary actions (.0700).

Licensure for Military-Trained Applicant; Licensure for M...
Adopt/*

21 NCAC 39 .0405

Minimum On-Site Wastewater System Inspection
Amend/*

21 NCAC 39 .1006

ADMINISTRATIVE HEARINGS, OFFICE OF

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100), mediated settlement conferences (.0200), and expedited hearing procedures for complex contested cases (.0300).

Medicaid Hearing Procedures Rules
Amend/*

26 NCAC 03 .0401