Commission Review Log of Permanent Rule Filings January 21, 2015 through February 20, 2015

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

PESTICIDE BOARD

The rules in Chapter 9 are from the Food and Drug Protection Division of the Department of Agriculture and Consumer Services.

The rules in Subchapter 9L are from the N.C. Pesticide Board and include organizational rules (.0100); registration (.0300); samples and submissions (.0400); pesticide licenses (.0500); pesticide and pesticide container disposal (.0600); declaration of pests and restrictions on their control (.0700); bulk distribution of pesticides (.0800); aerial application of pesticides (.1000); private pesticide applicator certification (.1100); arsenic trioxide (.1200); availability of restricted use pesticides (.1300); ground application of pesticides (.1400); worker protection standards for agricultural pesticides (.1800); pesticide storage (.1900); chemigation (any process whereby pesticides are applied to land, crops, or plants using an irrigation system) (.2000); hearing rules of the North Carolina pesticide board (.2100); and interim protection measures for the Carolina heelsplitter mussel (.2200).

Eastern and Hairy-Tailed Moles Adopt/* 02 NCAC 09L .0707

BANKS, OFFICE OF THE COMMISSIONER OF

The rules in Subchapter 3D concern banks acting in a fiduciary capacity including licensing (.0100); reports required by commissioner of banks (.0200); and trust department (.0300).

<u>Definitions</u> Adopt/*	04	NCAC 03D .0105
Reports of Condition of State Trust Entities Amend/*	04	NCAC 03D .0201
Administration of Trust Business Amend/*	04	NCAC 03D .0302
Books and Records Amend/*	04	NCAC 03D .0303
<u>Collective Investment</u> Amend/*	04	NCAC 03D .0304

MEDICAL CARE COMMISSION

The rules in subchapter 13F concern licensing of homes for the aged and infirm and include definitions (.0100); licensing (.0200); physical plant (.0300); staff qualification (.0400); staff orientation training, competency and continuing education (.0500); staffing (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medication (.1000); Resident's funds and refunds (.1100); policies; records and reports (.1200); special care units for alzheimer and related disorders (.1300); special care units for mental health disorders (.1400); use of physical restraints and alternatives (.1500); and rated certificates (.1600).

Medication Labels Amend/* 10A NCAC 13F .1003

Pharmaceutical Services Amend/*

The rules in subchapter 13G concern licensing of family care homes including definitions (.0100); licensing (.0200); the building (.0300); staff qualifications (.0400); staffing orientation, training, competency and continuing education (.0500); staffing of the home (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medications (.1000); management and resident's funds and refunds (.1100); policies, records and reports (.1200); use of physical restraints and alternatives (.1300); and rated certificates (.1600).

Medication Labels Amend/*	10A NCAC 13G .1003
Pharmaceutical Services Amend/*	10A NCAC 13G .1010

The rules in Subchapter 13H concern the licensing of homes for developmentally disabled adults including identifying information (.0100); management in private for profit homes (.0200); management in homes operated by private non-profit boards (.0300); personnel (.0400); the home (.0500); arrangement and size of rooms (.0600); services (.0700); program standards (.0800); admission, transfer, and discharge policies (.0900); medical policies (.1000); rates, residents' funds, refunds (.1100); records and reports (.1200); capacity (.1300); application procedures (.1400); licensing information (.1500); miscellaneous rules (.1600); adult home care licenses (.1700); and death reporting requirements (.1800).

Group Homes; Developmentally Disabled Adults Repeal/*	10A NCAC 13H .0101
Group Homes for Developmentally Disabled Adults Repeal/*	10A NCAC 13H .0102
<u>Private For Profit Group Homes</u> Repeal/*	10A NCAC 13H .0103
<u>Definitions</u> Repeal/*	10A NCAC 13H .0104
<u>Regulation</u> Repeal/*	10A NCAC 13H .0201
<u>The Co-Administrator</u> Repeal/*	10A NCAC 13H .0202
<u>Relief Person-in-Charge</u> Repeal/*	10A NCAC 13H .0203
<u>The Home Manager in Private Non-Profit Homes</u> Repeal/*	10A NCAC 13H .0301
<u>Change of Manager</u> Repeal/*	10A NCAC 13H .0302
Personnel Requirements Repeal/*	10A NCAC 13H .0401
Qualifications of Other Staff and Family Members Living In Repeal/*	10A NCAC 13H .0402
Qualifications of Relief Person-In-Charge Repeal/*	10A NCAC 13H .0403
Responsibilities of Relief Person-In-Charge Repeal/*	10A NCAC 13H .0404

Qualifications of Other Staff Not Living In Repeal/*	10A NCAC 13H .0405
Health Requirements Repeal/*	10A NCAC 13H .0406
General Personnel Requirements Repeal/*	10A NCAC 13H .0407
Staff Competency and Training Repeal/*	10A NCAC 13H .0408
Training Program Content and Approval Repeal/*	10A NCAC 13H .0409
Qualifications of Medication Staff Repeal/*	10A NCAC 13H .0410
Medication Administration Competency Evaluation Repeal/*	10A NCAC 13H .0411
Location Repeal/*	10A NCAC 13H .0501
Construction Repeal/*	10A NCAC 13H .0502
Living Areas Repeal/*	10A NCAC 13H .0601
Dining Area Repeal/*	10A NCAC 13H .0602
<u>Kitchen</u> Repeal/*	10A NCAC 13H .0603
Bedrooms Repeal/*	10A NCAC 13H .0604
<u>Closets</u> Repeal/*	10A NCAC 13H .0605
Bathrooms Repeal/*	10A NCAC 13H .0606
Storage Areas Repeal/*	10A NCAC 13H .0607
Floors Repeal/*	10A NCAC 13H .0608
Laundry Repeal/*	10A NCAC 13H .0609
Outside Entrances Repeal/*	10A NCAC 13H .0610
<u>Fire Safety Requirements</u> Repeal/*	10A NCAC 13H .0611
Other Requirements Repeal/*	10A NCAC 13H .0612
Housekeeping and Furnishings Repeal/*	10A NCAC 13H .0613
Personal Care Repeal/*	10A NCAC 13H .0701
Health Care Repeal/*	10A NCAC 13H .0702

Food Service Repeal/* Other Regulations Repeal/* Individual Goals Repeal/* Individual Records Repeal/* Policies and Procedures Repeal/* Resident's Living Status Repeal/* Activities Outside the Home Repeal/* Accident Prevention Repeal/* Plan for Medical Services Repeal/* Personal Skills Development Repeal/* Admissions Repeal/* Medical Requirements Repeal/* Personal Information Repeal/* Written Agreements Repeal/* Plans at Time of Admission Repeal/* Procedures for Transfer Repeal/* Procedures for Discharge Repeal/* **Physicians** Repeal/* **Physical Examinations** Repeal/* Medications Repeal/* Handling Funds of Residents Repeal/* **Refund Policies** Repeal/* Records Repeal/* Reports Repeal/*

10A NCAC 13H .0703 10A NCAC 13H .0704 10A NCAC 13H .0801 10A NCAC 13H .0802 10A NCAC 13H .0803 10A NCAC 13H .0804 10A NCAC 13H .0805 10A NCAC 13H .0806 10A NCAC 13H .0807 10A NCAC 13H .0808 10A NCAC 13H .0901 10A NCAC 13H .0902 10A NCAC 13H .0903 10A NCAC 13H .0904 10A NCAC 13H .0905 10A NCAC 13H .0906 10A NCAC 13H .0907 10A NCAC 13H .1001 10A NCAC 13H .1002 10A NCAC 13H .1003 10A NCAC 13H .1101 10A NCAC 13H .1102 10A NCAC 13H .1201 10A NCAC 13H .1202

<u>Capacity</u> Repeal/*	10A NCAC 13H .1301
Increase in Capacity Repeal/*	10A NCAC 13H .1302
Application for License Repeal/*	10A NCAC 13H .1401
New Construction: Additions and Renovations Repeal/*	10A NCAC 13H .1402
Current License Repeal/*	10A NCAC 13H .1501
Repeal/*	10A NCAC 13H .1502
Termination of License Repeal/*	10A NCAC 13H .1503
Denial or Revocation of License Repeal/*	10A NCAC 13H .1504
Procedures for Appeal Repeal/*	10A NCAC 13H .1505
Suspension of Admissions Repeal/*	10A NCAC 13H .1506
Administrative Penalty Determination Process Repeal/*	10A NCAC 13H .1601
<u>Resident Assessment</u> Repeal/*	10A NCAC 13H .1602
<u>Resident Care Plan</u> Repeal/*	10A NCAC 13H .1603
Licensed Health Professional Support Repeal/*	10A NCAC 13H .1604
<u>Cooperation with Case Managers</u> Repeal/*	10A NCAC 13H .1605
<u>Health Care Personnel Registry</u> Repeal/*	10A NCAC 13H .1606
<u>Respite Care</u> Repeal/*	10A NCAC 13H .1607
<u>Definitions</u> Repeal/*	10A NCAC 13H .1701
Persons Not Eligible for New Adult Care Home Licenses Repeal/*	10A NCAC 13H .1702
<u>Conditions for License Renewal</u> Repeal/*	10A NCAC 13H .1703
<u>Definitions</u> Repeal/*	10A NCAC 13H .1901
<u>Scope</u> Repeal/*	10A NCAC 13H .1902
<u>Reporting Requirements</u> Repeal/*	10A NCAC 13H .1903

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 43 concern personal health. The rules in Subchapter 43K concern newborn screening for critical congenital heart defects.

Definitions Adopt/*	10A NCAC 43K .0101
Screening Requirements Adopt/*	10A NCAC 43K .0102
Reporting Requirements Adopt/*	10A NCAC 43K .0103

The rules in Subchapter 48B establish the accreditation standards for local health departments including general provisions (.0100); the standards or benchmarks to monitor health status (.0200); diagnose and investigate health problems and health hazards in the community (.0300); inform, educate and empower people about health issues (.0400); mobilize community partnerships to identify and solve health problems (.0500); develop policies and plans that support individual and community health efforts (.0600); enforce laws and regulations that protect health and ensure safety (.0700); link people to personal health services to assure the provision of health care when otherwise unavailable (.0800); assure a competent public health workforce and personal health workforce (.0900); evaluate effectiveness, accessibility and quality of personal and population based health services (.1000); research for new insights and innovative solutions to health problems (.1100); provide facilities and administrative services (.1200) and provide governance (.1300).

Accreditation Requirements Amend/*	10A NCAC 48B .0103
Benchmark 34 Amend/*	10A NCAC 48B .1301
Benchmark 37 Amend/*	10A NCAC 48B .1304
Benchmark 38 Amend/*	10A NCAC 48B .1305
Benchmark 39 Amend/*	10A NCAC 48B .1306
Benchmark 40 Amend/*	10A NCAC 48B .1307
Benchmark 41 Amend/*	10A NCAC 48B .1308

TRANSPORTATION, DEPARTMENT OF/DIVISION OF MOTOR VEHICLES

The rules in Chapter 3 concern the Division of Motor Vehicles.

The rules in Subchapter 3B concern the driver license section of the Division of Motor Vehicles including general information (.0100); driver's license issuance (.0200); medical evaluation (.0300); records (.0400); classified drivers' license (.0600); commercial drivers' license (.0700); and gross vehicle weight rating (GVWR) (.0800).

Driver's License Examination Amend/* 19A NCAC 03B .0201

ACUPUNCTURE LICENSING BOARD

The rules in Chapter 1 are from the North Carolina Acupuncture Licensing Board including licensure (.0100); renewal of licensure (.0200); continuing education (.0300); practice parameters and procedures (.0400); schools and colleges of acupuncture (.0500); code of ethics (.0600); and administrative procedures (.0700).

Suspension of Authority and Escrow of Funds Adopt/*	21	NCAC 01	.0108
Armed Services Extension for Credential Adopt/*	21	NCAC 01	.0109
Acupuncture License by Reciprocity Based on Military Service Adopt/*	21	NCAC 01	.0110
Acupuncture License by Reciprocity Based on Status as Mil Adopt/*	21	NCAC 01	.0111
Purpose and Scope Adopt/*	21	NCAC 01	.0601
Non-Discrimination Adopt/*	21	NCAC 01	.0602
Competence Adopt/*	21	NCAC 01	.0603
Serving Sentence Adopt/*	21	NCAC 01	.0604
Education and Training Standards Adopt/*	21	NCAC 01	.0605
Patient Welfare Adopt/*	21	NCAC 01	.0606
Confidentiality Adopt/*	21	NCAC 01	.0607
<u>Client Relationships</u> Adopt/*	21	NCAC 01	.0608
Board Investigation Adopt/*	21	NCAC 01	.0609

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16G concern dental hygienists.

Functions Which May Be Delegated	21	NCAC 16G .0101
Amend/*		

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

Approved Education and Training Programs Amend/*	21	NCAC 16H .0104
Permitted Functions of Dental Assistant II Amend/*	21	NCAC 16H .0203

The rules in Subchapter 16I concern the annual renewal of the dental hygienist license.

Applications Amend/*	21	NCAC 16I .0101
Continuing Education Required Amend/*	21	NCAC 16I .0102
Penalty/Non-Compliance/Continuing Education Requirement Amend/*	21	NCAC 16I .0105
License Void Upon Failure to Renew Amend/*	21	NCAC 16I .0107
Form of Certificate Amend/*	21	NCAC 16I .0108
Definitions Amend/*	21	NCAC 16I .0110
Exemptions Granted Amend/*	21	NCAC 16I .0111
The rules in Subchapter 16J concern sanitation.		
Premises Amend/*	21	NCAC 16J .0101
The rules in Subchapter 16K concern dental school extension facilities.		
Instructors to be Approved Amend/*	21	NCAC 16K .0103
Reports to Board Amend/*	21	NCAC 16K .0106

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).

Request for Hearing Amend/*	21	NCAC 16N .0502
Notice of Hearing Amend/*	21	NCAC 16N .0504
Who Shall Hear Contested Cases Amend/*	21	NCAC 16N .0505
Petition for Intervention Amend/*	21	NCAC 16N .0506
Disqualification of Board Members Amend/*	21	NCAC 16N .0508
<u>Subpoena</u> Amend/*	21	NCAC 16N .0603

IRRIGATION CONTRACTORS LICENSING BOARD

The rules in Chapter 23 are from the Irrigation Contractors' Licensing Board and concern licensing (.0100); hearing rules of the North Carolina Irrigation Contractors' Licensing Board (0200); irrigation record drawing minimum standards (.0300); irrigation design minimum standards (.0400); irrigation system installation minimum standards (.0500); irrigation system management for water efficiency minimum standards (.0600); and

<u>Ethics</u> Adopt/**	21	NCAC 23	.0105
Conduct of Hearing Amend/*	21	NCAC 23	.0206
Decision of Board Amend/*	21	NCAC 23	.0207
<u>Trenching and Piping</u> Amend/*	21	NCAC 23	.0505

PHYSICAL THERAPY EXAMINERS, BOARD OF

The rules in Subchapter 48G concern retention of license including licensure renewal (.0100); lapsed licenses (.0200); refusal to renew or grant license suspension or revocation (.0300); probation or warning (.0400); contested case hearings (.0500); and disciplinary action (.0600).

Continuing Competence Activities Amend/*

REFRIGERATION EXAMINERS, BOARD OF

The rules in Chapter 60 are from the Board of Refrigeration Examiners and concern organization and definitions (.0100); examinations (.0200); licenses and fees (.0300); disciplinary action (.1100); and continuing education.

Office of the Board Amend/*

STATE HUMAN RESOURCES COMMISSION

The rules in Subchapter 1B are from the state personnel commission and concern general provisions (.0100); rule-making (.0200); contested case hearing procedures (.0300); and appeal to the commission (.0400).

Time Frame for Raising Allegation of Discrimination	25	NCAC 01B .0350
Amend/*	05	
Exercise of Commission Discretion Amend/*	25	NCAC 01B .0413

The rules in Subchapter 1C concern personnel administration including employment (.0100); general employment policies (.0200); personnel records and reports (.0300); appointment (.0400); work schedule (.0500); competitive service (.0600); secondary employment (.0700); requirements for teleworking programs (.0800); employee recognition programs (.0900); and separation (.1000).

21 NCAC 48G .0109

21 NCAC 60 .0102

Employee Objection to Material in File Amend/**	25	NCAC 01C .0311
Permanent and Time-Limited Appointment Amend/*	25	NCAC 01C .0402
Reduction in Force Amend/*	25	NCAC 01C .1004
<u>Unavailability When Leave is Exhausted</u> Amend/*	25	NCAC 01C .1007

The rules in Subchapter 1D are the rules dealing with compensation and include administration of the pay plan (.0100); new appointments (.0200); promotion (.0300); demotions or reassignments (.0400); separation (.0500); reallocation (.0600); salary range revision (.0700); initial classification (.0800); transfer (.0900); reinstatement (.1000); longevity pay (.1200); holiday premium pay (.1300); shift premium pay (.1400); emergency call-back pay (.1500); foreign service pay (.1600); employment of physicians for extended duty (.1800); hours of work and overtime compensation (.1900); unemployment insurance (.2000); special salary adjustments (.2100); comprehensive compensation system (.2500); and in-range salary adjustments (.2600).

Initial Employment Amend/*	25	NCAC 01D .0201
Severance Salary Continuation Amend/*	25	NCAC 01D .2701

The rules in Subchapter 1E cover employee benefits including general leave provisions (.0100); vacation leave (.0200); sick leave (.0300); workers compensation leave (.0700); military leave (.0800); holidays (.0900); miscellaneous leave (.1000); other types of leave without pay (.1100); community involvement (.1200); the voluntary shared leave program (.1300); family and medical leave (.1400); child involvement leave (.1500); community services leave (.1600); administrative leave (.1700) and incentive leave (.1800).

Total State Service Defined Amend/*	25	NCAC 01E .0204
<u>Approved Holidays</u> Amend/*	25	NCAC 01E .0901
Purpose Amend/*	25	NCAC 01E .1601
Definitions Amend/*	25	NCAC 01E .1602
Covered Employees and Leave Credits Amend/**	25	NCAC 01E .1603
Community Service Leave Administration Amend/*	25	NCAC 01E .1605
Additional Time for Community Service Activities Repeal/*	25	NCAC 01E .1606

The rules in Subchapter 1H concern recruitment and selection including general provisions (.0600); general provision for priority consideration (.0700); promotional priority (.0800); reduction-in-force-priority reemployment (.0900); exempt priority consideration (.1000); and veteran's preference (.1100).

Special Applicant Considerations Related to Priority Amend/*	25	NCAC 01H .0633
Selection of Applicants Amend/*	25	NCAC 01H .0634
Employment: E-Verify Amend/*	25	NCAC 01H .0636
Employment of Relatives Amend/*	25	NCAC 01H .0641
Reduction in Force Application and Appeal Amend/*	25	NCAC 01H .0901
Requirements for Reduction in Force Priority Consideration Amend/*	25	NCAC 01H .0902
Agency and Employee Responsibilities Amend/*	25	NCAC 01H .0904
Office of State Human Resources Responsibilities Amend/*	25	NCAC 01H .0905
Denial of Veterans' Preference Amend/**	25	NCAC 01H .1103

The rules in Subchapter 1J cover employee grievances (.0500); disciplinary actions including suspensions and dismissals (.0600); Governor's Award for Excellence (.0800); internal performance pay dispute resolution procedures (.0900); state employees assistance program (.1000); unlawful workplace harassment (.1100); employee grievances (.1200); employee appeals and grievance process (.1300); and employee mediation and grievance process (.1400).

<u>Appeals</u> Amend/*	25	NCAC 01J .0603
Written Warning Amend/*	25	NCAC 01J .0610
Investigatory Leave Amend/*	25	NCAC 01J .0615
Credentials Adopt/*	25	NCAC 01J .0616
Discrimination and Retaliation Adopt/*	25	NCAC 01J .0617
Appeal of Denial of Veterans' Preference Adopt/*	25	NCAC 01J .0618
Unlawful Workplace Harassment and Retaliation Repeal/*	25	NCAC 01J .1101
<u>General Provisions</u> Repeal/*	25	NCAC 01J .1201
<u>Agency Responsibilities</u> Repeal/*	25	NCAC 01J .1202
<u>Agency Grievance Reports</u> Repeal/*	25	NCAC 01J .1203
Discrimination and Retaliation/Special Provisions Repeal/*	25	NCAC 01J .1204
Unlawful Workplace Harassment Repeal/*	25	NCAC 01J .1205

Time Limits	25	NCAC 01J .1206
Repeal/* <u>Final Agency Action</u> Repeal/*	25	NCAC 01J .1207
Leave In Connection with Grievances Repeal/*	25	NCAC 01J .1208
Minimum Procedural Requirements Repeal/*	25	NCAC 01J .1301
General Agency Grievance Procedure Requirements Adopt/*	25	NCAC 01J .1302
Agency and University Grievance Reports and Data Entry Adopt/*	25	NCAC 01J .1303
Settlements/Consent Agreements in Grievances, Contested C Adopt/*	25	NCAC 01J .1304
Office of State Human Resources Review and Approval of Fi Adopt/*	25	NCAC 01J .1305
Back Pay Adopt/*	25	NCAC 01J .1306
Front Pay Adopt/*	25	NCAC 01J .1307
Leave Adopt/*	25	NCAC 01J .1308
Health Insurance Adopt/*	25	NCAC 01J .1309
Interest Adopt/*	25	NCAC 01J .1310
Reinstatement Adopt/*	25	NCAC 01J .1311
Causes for Reinstatement Adopt/*	25	NCAC 01J .1312
<u>Suspension Without Pay</u> Adopt/*	25	NCAC 01J .1313
Discrimination, Harassment, or Retaliation Adopt/*	25	NCAC 01J .1314
Voluntary Programs or Benefits Adopt/*	25	NCAC 01J .1315
Remedies for Procedural Violations Adopt/*	25	NCAC 01J .1316
Remedies: Salary Adjustments Adopt/*	25	NCAC 01J .1317
Certain Remedies not Available Adopt/*	25	NCAC 01J .1318
Situations in Which Attorney's Fees May be Awarded Adopt/*	25	NCAC 01J .1319
Attorney's Fees may be Awarded as a Result of a Settlement Adopt/*	25	NCAC 01J .1320
Minimum Procedural Requirements Repeal/*	25	NCAC 01J .1401

<u>Flexibility</u> Repeal/*	25	NCAC 01J .1402
Informal Meeting with Supervisor Repeal/*	25	NCAC 01J .1403
<u>Mediation Procedure</u> Repeal/*	25	NCAC 01J .1404
<u>Conclusion of Mediation</u> Repeal/*	25	NCAC 01J .1405
Limitations on a Mediation Agreement Repeal/*	25	NCAC 01J .1406
Post Mediation Repeal/*	25	NCAC 01J .1407
Employee Responsibilities for Mediation Repeal/*	25	NCAC 01J .1408
Agency Responsibilities for Mediation Repeal/*	25	NCAC 01J .1409
Office of State Personnel Responsibilities Repeal/*	25	NCAC 01J .1410
Agency Procedural Requirements for Employee Mediation and Repeal/*	25	NCAC 01J .1411
Office of State Personnel Responsibilities for Employee M Repeal/*	25	NCAC 01J .1412

BUILDING CODE COUNCIL

2012 NC Residential Code/Docks, Piers, Bulkheads and Water Amend/**	
2012 NC Residential Code/Wood and Fitch Plate Examples Amend/**	N-1, N-2 Tables
2012 NC Residential Code/Wood and Fitch Plate Beams Amend/**	N-1, N-2 Tables
2012 NC Residential Code/Southern Pine Spans Amend/**	AM106, AM111 Tables
2012 NC Residential Building Code/Screen Enclosure Amend/**	202, 3