

Commission Review

Log of Permanent Rule Filings

January 21, 2016 through February 22, 2016

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

HHS - HEALTH SERVICE REGULATION, DIVISION OF

The rules in Subchapter 14A concern rulemaking (.0100); contested cases (.0200); and hearings, transfers and discharges (.0300).

<u>Definitions</u>	10A NCAC 14A .0201
Repeal/*	
<u>Request for Determination</u>	10A NCAC 14A .0202
Repeal/*	
<u>Record</u>	10A NCAC 14A .0203
Repeal/*	
<u>Exceptions to Recommended Decision</u>	10A NCAC 14A .0204
Repeal/*	

SOCIAL SERVICES COMMISSION

The rules in Subchapter 71P concern state/county special assistance for adults including general provisions (.0100); adult care (.0200); budgeting principles (.0300); mixed budgeting: when other budget members are recipients (.0400); payment procedures (.0500); application process (.0600); redetermination of eligibility (.0700); coverage (.0800); and eligibility factors (.0900).

<u>Supervision</u>	10A NCAC 71P .0101
Amend/*	
<u>Definitions</u>	10A NCAC 71P .0102
Amend/*	
<u>State/County Special Assistance Program Procedures</u>	10A NCAC 71P .0103
Amend/*	
<u>Maximum Rates</u>	10A NCAC 71P .0201
Amend/*	
<u>Licensed Facilities</u>	10A NCAC 71P .0202
Amend/*	
<u>Minimum Payment</u>	10A NCAC 71P .0301
Amend/*	
<u>Beneficiary in Adult Care</u>	10A NCAC 71P .0302
Amend/*	
<u>Recipient in Domiciliary Care with Spouse at Home</u>	10A NCAC 71P .0303
Repeal/*	
<u>Recipient/Domiciliary Care: Spouse/Not Receiving</u>	10A NCAC 71P .0304
Repeal/*	
<u>Beneficiary in a Private Living Arrangement</u>	10A NCAC 71P .0306
Adopt/*	
<u>Minimum Payment</u>	10A NCAC 71P .0401
Repeal/*	

<u>Recipient/Domiciliary Care: Spouse/Children</u> Repeal/*	10A NCAC 71P .0402
<u>Recipient/Domiciliary Care: Spouse/Children Recv'g AFDC-MA</u> Repeal/*	10A NCAC 71P .0403
<u>Recipient/Domiciliary Care: Spouse/Recv'g Medical Assist.</u> Repeal/*	10A NCAC 71P .0404
<u>Recipient/Spouse Both Receiving Special</u> Repeal/*	10A NCAC 71P .0405
<u>Recipient/Domiciliary Care: Spouse: Nursing/Intermed. FAC.</u> Repeal/*	10A NCAC 71P .0406
<u>Payee</u> Amend/*	10A NCAC 71P .0501
<u>Payment Authorization</u> Amend/*	10A NCAC 71P .0502
<u>Correction of Administrative Overpayments</u> Amend/*	10A NCAC 71P .0504
<u>Benefit Insurance</u> Amend/*	10A NCAC 71P .0505
<u>Receipt and Use of Checks</u> Repeal/*	10A NCAC 71P .0506
<u>Lost: Stolen and Forged Checks</u> Amend/*	10a NCAC 71P .0507
<u>Fraud</u> Amend/*	10a NCAC 71P .0508
<u>Acceptance of Application</u> Amend/*	10A NCAC 71P .0601
<u>Initial Application</u> Amend/*	10A NCAC 71P .0602
<u>Eligibility Determination Process</u> Amend/*	10A NCAC 71P .0603
<u>Time Standard</u> Amend/*	10A NCAC 71P .0604
<u>Notice to Beneficiary</u> Adopt/*	10A NCAC 71P .0608
<u>Time and Content</u> Amend/*	10A NCAC 71P .0701
<u>Verification of Facility</u> Amend/*	10A NCAC 71P .0702
<u>Re-Evaluation</u> Repeal/*	10A NCAC 71P .0704
<u>Notice to Beneficiary of Intended Action</u> Adopt/*	10A NCAC 71P .0705
<u>AA-SA: Group I</u> Repeal/*	10A NCAC 71P .0801
<u>AD-SA: Group I</u> Repeal/*	10A NCAC 71P .0802
<u>SAA</u> Amend/*	10A NCAC 71P .0803

<u>SAD</u>	10A NCAC 71P .0804
Amend/*	
<u>SA: Certain Disabled</u>	10A NCAC 71P .0805
Amend/*	
<u>United States Citizenship</u>	10A NCAC 71P .0902
Amend/*	
<u>Residence</u>	10A NCAC 71P .0903
Amend/*	
<u>Resources</u>	10A NCAC 71P .0904
Amend/*	
<u>Income</u>	10A NCAC 71P .0905
Amend/*	
<u>Evaluation</u>	10A NCAC 71P .0906
Repeal/*	

INSURANCE, DEPARTMENT OF

The rules in Chapter 18 concern multiple employer welfare arrangements.

<u>Filing Requirements</u>	11 NCAC 18 .0103
Readopt without Changes/**	

The rules in Chapter 20 concern managed care health benefit plans including managed care definitions (.0100); contracts between network plan carriers and health care providers (.0200); provider accessibility and availability (.0300); network provider credentials (.0400); HMO quality management programs (.0500); and significant modifications to HMO operations (.0600).

<u>Contract Provisions</u>	11 NCAC 20 .0202
Readopt without Changes/**	
<u>Changes Requiring Approval</u>	11 NCAC 20 .0203
Readopt without Changes/**	
<u>Carrier and Intermediary Contracts</u>	11 NCAC 20 .0204
Readopt without Changes/**	
<u>Provider Availability Standards</u>	11 NCAC 20 .0301
Readopt without Changes/**	
<u>Provider Accessibility Standards</u>	11 NCAC 20 .0302
Readopt without Changes/**	
<u>Application</u>	11 NCAC 20 .0404
Readopt without Changes/**	
<u>Delegation of Credential Verification Activities</u>	11 NCAC 20 .0410
Readopt without Changes/**	
<u>Applications for Modifications to Service Areas or Produc...</u>	11 NCAC 20 .0601
Readopt without Changes/**	

The rules in Chapter 21 concern third party administrators.

<u>Payment of Claims</u>	11 NCAC 21 .0106
Readopt without Changes/**	

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Chapter 2 concern environmental management and are promulgated by the Environmental Management Commission or the Department of Environment and Natural Resources.

The rules in Subchapter 2L cover groundwater classifications and standards including general considerations (.0100); classifications and groundwater quality standards (.0200); the assignments of underground water classifications (.0300); risk-based assessment and corrective action for petroleum underground storage tanks (.0400); and risk-based assessment and correction action for non-UST petroleum releases (.0500).

Corrective Action
Amend/*

15A NCAC 02L .0106

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); temporary structures within the estuarine and ocean hazard 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); 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 (.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).

General Identification and Description of Landforms
Amend/*

15A NCAC 07H .0305

General Use Standards for Ocean Hazard Areas
Amend/*

15A NCAC 07H .0306

The rules in Subchapter 7J concern procedures for handling major development permits, variance requests, appeals from minor development permit decisions and declaratory rulings. They include definitions (.0100); permit application and procedures (.0200); hearing procedures (.0300); final approval and enforcement (.0400); general permits (.0500); declaratory rulings and petitions for rulemaking (.0600); procedures for considering variance petitions (.0700); general permit procedure

(.1100); static vegetation line exception procedures (.1200); and development line procedures (.1300).

<u>Requesting the Static Line Exception</u> Amend/*	15A NCAC 07J .1201
<u>Requesting the Development Line</u> Adopt/*	15A NCAC 07J .1301
<u>Procedures for Approving the Development Line</u> Adopt/*	15A NCAC 07J .1302
<u>Local Governments and Communities with Development Lines</u> Adopt/*	15A NCAC 07J .1303

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Wildlife Taken for Depredations</u> Amend/*	15A NCAC 10B .0106
<u>Black Bear</u> Amend/*	15A NCAC 10B .0107
<u>Sale of Wildlife</u> Amend/*	15A NCAC 10B .0118
<u>Prohibited Taking and Manner of Take</u> Amend/*	15A NCAC 10B .0201
<u>Bear</u> Amend/*	15A NCAC 10B .0202
<u>Deer (White Tailed)</u> Amend/*	15A NCAC 10B .0203
<u>Elk</u> Adopt/*	15A NCAC 10B .0225

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

<u>Public Mountain Trout Waters</u> Amend/*	15A NCAC 10C .0205
<u>Black Bass</u> Amend/*	15A NCAC 10C .0305
<u>Crappie</u> Amend/*	15A NCAC 10C .0306
<u>Striped Bass</u> Amend/*	15A NCAC 10C .0314
<u>White Perch</u> Amend/*	15A NCAC 10C .0319

<u>Manner of Taking Nongame Fishes: Purchase and Sale</u> Amend/*	15A NCAC 10C .0401
<u>Taking Nongame Fishes for Bait or Personal Consumption</u> Amend/*	15A NCAC 10C .0402

The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Use</u> Amend/*	15A NCAC 10D .0102
<u>Hunting On Game Lands</u> Amend/*	15A NCAC 10D .0103

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Carteret County</u> Amend/*	15A NCAC 10F .0330
<u>Jackson County</u> Adopt/*	15A NCAC 10F .0377

The rules in Subchapter 10I concern endangered and threatened species.

<u>Endangered Species Listed</u> Amend/*	15A NCAC 10I .0103
<u>Threatened Species Listed</u> Amend/*	15A NCAC 10I .0104
<u>Special Concern Species</u> Amend/*	15A NCAC 10I .0105

REVENUE, DEPARTMENT OF

The rules in Chapter 7 concern sales and use tax.

The rules in Chapter 7B concern state sales and use tax including general provisions (.0100); general application of law to manufacturing and industrial processing (.0200); specific tangible personality classified for use by industrial users (.0300); specific industries (.0400); exempt sales to manufacturers (.0500); sales of mill machinery and accessories (.0600); specific industry purchases (.0700); adjustments, replacements and alterations and installation sales (.0800); advertising, advertising agencies and public relations firms (.0900); barbers, beauty shop operators, shoe and watch repairmen (.1000); sales of bulk tobacco barns and farm machines and equipment (.1100); hotels, motels, tourist camps and tourist cabins (.1200); sales in interstate commerce (.1300); sales of medicines, drugs and medical supplies (.1400); finance companies, finance charges and carrying charges (.1500); sales to or by hospitals, educational, charitable or religious institutions, and refunds thereto (.1600); sales to or by the state, counties, cities and other political subdivisions (.1700); hospitals and sanitariums (.1800); tire recappers and retreaders: and tire and tube repairs (.1900); sales and gifts by employers to employees or other users (.2000); electricity, piped natural gas, bottled gas, coal, coke, fuel oil, oxygen, acetylene, hydrogen, liquefied petroleum gas and other combustibles (.2100); food and food products for human consumption (.2200); sales to out-of-state merchants for resale (.2300); sales of medical supplies and equipment to veterinarians (.2400);

furniture and storage warehousemen (.2500); liability of contractors, use tax on equipment brought into state and building materials (.2600); dentists, dental laboratories and dental supply houses (.2700); florists, nurserymen, greenhouse operators and farmers (.2800); vending machines (.2900); articles taken in trade, trade-ins, repossessions, returned merchandise and used or secondhand merchandise (.3000); radio and television stations and motion picture theatres (.3100); telecommunications and telegraph companies (.3200); orthopedic appliances (.3300); memorial stone and monument dealers and monument manufactures (.3400); machinists, foundrymen and pattern makers (.3500); funeral expenses (.3600); lubricants and oils and greases (.3700); premiums and gifts and trading stamps (.3800); containers, wrapping and packing and shipping materials (.3900); fertilizer, seeds and feed and insecticides (.0400); artists, art dealers and photographers (.4100); sales to the United States government or agencies thereof (.4200); refunds to interstate carriers (.4300); lease or rental (.4400); laundries, dry cleaning plants, launderettes, linen rentals and solicitors for such businesses (.4500); motor vehicles and boats (.4600); printers and newspaper or magazine publishers (.4700); basis of reporting (.4800); transportation charges (.4900); eyeglasses and other ophthalmic aids and supplies, oculists and optometrists and opticians (.5000); leased departments and transient sellers (.5100); baby chicks and poultz (.5200); certificate of authority and bond requirements (.5300); and forms used for sales and use tax purposes (.5400).

<u>Taxability and Gross Receipts</u>	17	NCAC 07B .1201
Repeal/*		
<u>Prescription Drugs</u>	17	NCAC 07B .1401
Repeal/*		
<u>Fraternity and Sorority Meals</u>	17	NCAC 07B .2208
Repeal/*		
<u>Cover Charge</u>	17	NCAC 07B .2211
Repeal/*		
<u>Contractors, Subcontractors, and Retailer-Contractors</u>	17	NCAC 07B .2602
Repeal/*		
<u>Plumbing: Heating Contractors: Purchases</u>	17	NCAC 07B .2608
Repeal/*		
<u>Leases for Out of State Use</u>	17	NCAC 07B .4407
Repeal/*		

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16W concern public health hygienists.

<u>Direction Defined</u>	21	NCAC 16W .0101
Amend/*		

MEDICAL BOARD

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

<u>Reporting Criteria</u>	21	NCAC 32M .0117
Adopt/*		

NURSING, BOARD OF

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

<u>Reporting Criteria</u>	21	NCAC 36	.0815
Adopt/*			

STATE HUMAN RESOURCES COMMISSION

The rules in Chapter 1 are from the State Personnel Commission.

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).

<u>Public Inspection</u>	25	NCAC 01C	.0303
Readopt with Changes/*			
<u>Confidential Information in Personnel Files</u>	25	NCAC 01C	.0304
Readopt with Changes/*			
<u>Temporary Appointment</u>	25	NCAC 01C	.0405
Readopt without Changes/*			
<u>Temporary Part-time Appointment</u>	25	NCAC 01C	.0407
Readopt without Changes/*			
<u>Limitations</u>	25	NCAC 01C	.0504
Readopt without Changes/*			
<u>Agency Responsibility</u>	25	NCAC 01C	.0902
Readopt with Changes/*			
<u>Eligibility Requirements</u>	25	NCAC 01C	.0903
Readopt with Changes/*			
<u>Unavailability When Leave is Exhausted</u>	25	NCAC 01C	.1007
Readopt without Changes/*			

The rules in Subchapter 1O are rules dealing with the performance management system.

<u>Policy</u>	25	NCAC 01O	.0101
Repeal/*			
<u>Purpose</u>	25	NCAC 01O	.0102
Repeal/*			
<u>Components of a Performance Management System</u>	25	NCAC 01O	.0103
Repeal/*			
<u>Rating Scale</u>	25	NCAC 01O	.0104
Repeal/*			
<u>Dispute Resolution</u>	25	NCAC 01O	.0105
Repeal/*			
<u>Monitoring, Evaluating, Reporting</u>	25	NCAC 01O	.0106
Repeal/*			

<u>Performance Management Policy</u> Adopt/*	25	NCAC 01O .0107
<u>Performance Management Covered Employees</u> Adopt/*	25	NCAC 01O .0108
<u>Performance Management Definitions</u> Adopt/*	25	NCAC 01O .0109
<u>Performance Cycle</u> Adopt/*	25	NCAC 01O .0110
<u>Documentation of Performance</u> Adopt/*	25	NCAC 01O .0111
<u>Performance Management Resources and Training</u> Adopt/*	25	NCAC 01O .0112
<u>Confidentiality and Records Retention</u> Adopt/*	25	NCAC 01O .0113
<u>Performance Management Compliance</u> Adopt/*	25	NCAC 01O .0114
<u>Performance Management Dispute</u> Adopt/*	25	NCAC 01O .0115
<u>Frequency of Performance Reviews</u> Adopt/*	25	NCAC 01O .0207
<u>Performance Planning</u> Adopt/*	25	NCAC 01O .0208
<u>Performance Feedback</u> Adopt/*	25	NCAC 01O .0209
<u>Addressing Poor Performance</u> Adopt/*	25	NCAC 01O .0210
<u>Annual Performance Evaluation</u> Adopt/*	25	NCAC 01O .0211