

# Commission Review

## Log of Permanent Rule Filings

### October 21, 2021 through November 22, 2021

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

#### SOIL AND WATER CONSERVATION COMMISSION

The rules in Subchapter 59A concern organization and operation including general provisions (.0100); supervisor training program (.0200); and supervisor removal (.0300).

<u>Objectives</u>	02	NCAC 59A .0101
Amend*		
<u>Address</u>	02	NCAC 59A .0102
Amend*		
<u>Definitions</u>	02	NCAC 59A .0103
Amend*		
<u>Supervisor Vacancies</u>	02	NCAC 59A .0104
Repeal*		
<u>General</u>	02	NCAC 59A .0201
Adopt*		
<u>Required Basic Training</u>	02	NCAC 59A .0202
Adopt*		
<u>Continuing Training Requirements</u>	02	NCAC 59A .0203
Adopt*		
<u>Supervisor Training Credits</u>	02	NCAC 59A .0204
Adopt*		
<u>Supervisor Removal Procedures and Reporting</u>	02	NCAC 59A .0301
Adopt*		
<u>Inquiry Committee</u>	02	NCAC 59A .0302
Adopt*		

#### 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); rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

<u>Qualification of Food Service Supervisor</u>	10A	NCAC 13F .0405
Readopt with Changes*		
<u>Food Service Orientation</u>	10A	NCAC 13F .0509
Amend*		
<u>Availability of Corrective Action and Survey Reports</u>	10A	NCAC 13F .1213
Readopt with Changes*		

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); rated certificates (.1600); and infection prevention and control (.1700)..

<u>Food Service Orientation</u>	10A NCAC 13G .0509
Readopt without Changes*	
<u>Availability of Corrective Action and Survey Reports</u>	10A NCAC 13G .1214
Readopt with Changes*	

## **HHS - HEALTH SERVICE REGULATION, DIVISION OF**

The rules in Chapter 14 concern services provided by the Division of Health Service Regulation. The rules in Subchapter 14C are Certificate of Need regulations including general provisions (.0100); applications and review process (.0200); exemptions (.0300); appeal process (.0400); enforcement and sanctions (.0500); and criteria and standards for nursing facility or adult care home services (.1100), intensive care services (.1200), pediatric intensive care services (.1300), neonatal services (.1400), hospices, hospice inpatient facilities, and hospice residential care facilities (.1500), cardiac catheterization equipment and cardiac angioplasty equipment (.1600), open heart surgery services and heart-lung bypass machines (.1700), diagnostic centers (.1800), radiation therapy equipment (.1900), home health services (.2000), surgical services and operating rooms (.2100), end stage renal disease services (.2200), computed tomography equipment (.2300), immediate care facility/mentally retarded (ICF/MR) (.2400), substance abuse/chemical dependency treatment beds (.2500), psychiatric beds (.2600), magnetic resonance imaging scanner (.2700), rehabilitation services (.2800), bone marrow transplantation services (.2900), solid organ transplantation services (.3000), major medical equipment (.3100), lithotripter equipment (.3200), air ambulance (.3300), burn intensive care services (.3400), oncology treatment centers (.3500), gamma knife (.3600), positron emission tomography scanner (.3700), acute care beds (.3800), gastrointestinal endoscopy procedure rooms in licensed health service facilities (.3900), and hospice inpatient facilities and hospice residential care facilities (.4000).

<u>Definitions</u>	10A NCAC 14C .1601
Readopt with Changes*	
<u>Performance Standards</u>	10A NCAC 14C .1603
Readopt with Changes*	
<u>Definitions</u>	10A NCAC 14C .1701
Readopt with Changes*	
<u>Definitions</u>	10A NCAC 14C .1901
Readopt with Changes*	
<u>Performance Standards</u>	10A NCAC 14C .1903
Readopt with Changes*	
<u>Definitions</u>	10A NCAC 14C .2301
Readopt/Repeal*	
<u>Performance Standards</u>	10A NCAC 14C .2303
Readopt/Repeal*	
<u>Definitions</u>	10A NCAC 14C .2401
Readopt with Changes*	
<u>Performance Standards</u>	10A NCAC 14C .2403
Readopt without Changes*	
<u>Definitions</u>	10A NCAC 14C .2501

Readopt/Repeal*	
<u>Performance Standards</u>	10A NCAC 14C .2503
Readopt/Repeal*	
<u>Definitions</u>	10A NCAC 14C .2601
Readopt/Repeal*	
<u>Performance Standards</u>	10A NCAC 14C .2603
Readopt/Repeal*	
<u>Definitions</u>	10A NCAC 14C .2701
Readopt with Changes*	
<u>Performance Standards</u>	10A NCAC 14C .2703
Readopt with Changes*	
<u>Definitions</u>	10A NCAC 14C .3701
Readopt with Changes*	
<u>Performance Standards</u>	10A NCAC 14C .3703
Readopt with Changes*	

## **CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9A cover the Commission organization and procedure (.0100) and enforcement of the rules (.0200).

<u>Period of Suspension: Revocation: or Denial</u>	12 NCAC 09A .0205
Amend*	

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Basic Training - Juvenile Court Counselors and Chief Cour...</u>	12 NCAC 09B .0235
Amend*	
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305
Amend*	

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Period of Suspension: Revocation: or Denial</u>	12 NCAC 09G .0505
Amend*	

## **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); and armed armored car service guards firearm registration permit (.1400).

<u>Application for Licenses and Trainee Permits</u> Amend*	14B NCAC 16 .0201
<u>Renewal of Armed Security Guard Firearm Registration Permit</u> Amend*	14B NCAC 16 .0806
<u>Renewal of a Firearms Trainer Certificate</u> Amend*	14B NCAC 16 .0904
<u>Required Continuing Education Hours</u> Amend*	14B NCAC 16 .1202
<u>Accreditation Standards</u> Amend*	14B NCAC 16 .1203

## ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2E concern water use registration and allocation including general provisions (.0100); capacity use area No. 1 (.0200); registration of water withdrawals and transfers (.0300); regulation of surface water transfers (.0400); central coastal plain capacity use area (.0500); and water use during drought and water supply emergencies (.0600).

<u>Definitions</u> Readopt without Changes*	15A NCAC 02E .0106
<u>Delegation</u> Readopt without Changes*	15A NCAC 02E .0107
<u>Application; Processing Fees</u> Readopt with Changes*	15A NCAC 02E .0301
<u>Declaration and Delineation of Central Coastal Plain Capa...</u> Readopt with Changes*	15A NCAC 02E .0501
<u>Withdrawal Permits</u> Readopt with Changes*	15A NCAC 02E .0502
<u>Prescribed Water Use Reductions in Cretaceous Aquifer Zones</u> Readopt/Repeal*	15A NCAC 02E .0503
<u>Requirements for Entry and Inspection</u> Readopt with Changes*	15A NCAC 02E .0504
<u>Acceptable Withdrawal Methods that do not Require a Permit</u> Readopt with Changes*	15A NCAC 02E .0505
<u>Central Coastal Plain Capacity Use Area Status Report</u> Readopt/Repeal*	15A NCAC 02E .0506
<u>Definitions</u> Readopt with Changes*	15A NCAC 02E .0507
<u>Scope</u> Readopt without Changes*	15A NCAC 02E .0601
<u>Definitions</u> Readopt with Changes*	15A NCAC 02E .0602
<u>General Information</u> Readopt with Changes*	15A NCAC 02E .0603
<u>Annual Reporting of Water Use Data</u> Readopt without Changes*	15A NCAC 02E .0604

<u>Water Use Reduction Reporting. New Water Withdrawal Repor...</u> Readopt with Changes*	15A NCAC 02E .0605
<u>Water Shortage Response Planning Requirements</u> Readopt with Changes*	15A NCAC 02E .0606
<u>Publicly and Privately Owned Water System Water Shortage ...</u> Readopt with Changes*	15A NCAC 02E .0607
<u>State Agency Water Shortage Response Planning Requirements</u> Readopt with Changes*	15A NCAC 02E .0608
<u>Local Government Water Shortage Response Planning Require...</u> Readopt with Changes*	15A NCAC 02E .0609
<u>Business and Industrial Water Shortage Response Planning ...</u> Readopt with Changes*	15A NCAC 02E .0610
<u>Agricultural and Horticultural Water Shortage Response Pl...</u> Readopt with Changes*	15A NCAC 02E .0611
<u>Default Water Shortage Response Planning Measures</u> Readopt with Changes*	15A NCAC 02E .0612
<u>Default Water Use Reduction Measures During NCDMAC Extrem...</u> Readopt with Changes*	15A NCAC 02E .0613
<u>Default Water Use Reduction Measures During NCDMAC Except...</u> Readopt with Changes*	15A NCAC 02E .0614
<u>Water Reuse During Droughts and Water Emergencies</u> Readopt with Changes*	15A NCAC 02E .0615

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).

<u>Groundwater Quality Standards</u> Amend*	15A NCAC 02L .0202
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## **MARINE FISHERIES COMMISSION**

The rules in Subchapter 3Q cover the joint and separate jurisdictions of the Marine Fisheries Commission and the Wildlife Resources Commission including general regulations (.0100); and boundary lines between inland, joint, and coastal waters (.0200).

<u>Scope and Purpose</u> Readopt without Changes**	15A NCAC 03Q .0101
<u>Inland Fishing Waters</u> Readopt without Changes**	15A NCAC 03Q .0102
<u>Coastal Fishing Waters</u> Readopt without Changes**	15A NCAC 03Q .0103
<u>Joint Fishing Waters</u> Readopt without Changes**	15A NCAC 03Q .0104
<u>Posting Dividing Lines</u> Readopt without Changes**	15A NCAC 03Q .0105
<u>Applicability of Rules: Joint Waters</u> Readopt/Repeal**	15A NCAC 03Q .0106
<u>Special Regulations for Fishing Joint Waters</u>	15A NCAC 03Q .0107

Readopt without Changes\*\*

Management Responsibility for Estuarine Striped Bass in J... 15A NCAC 03Q .0108

Readopt without Changes\*\*

Implementation of Estuarine Striped Bass Fishery Manageme... 15A NCAC 03Q .0109

Readopt without Changes\*\*

## **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).

Requirements for Licensure 21 NCAC 10 .0201

Repeal\*

Licensure; Renewal of License 21 NCAC 10 .0204

Amend\*

Renewal of License 21 NCAC 10 .0205

Repeal\*

Certification of Radiologic Technologists 21 NCAC 10 .0206

Repeal\*

Certified Chiropractic Assistants 21 NCAC 10 .0213

Amend\*

Designation of Specialties 21 NCAC 10 .0304

Amend\*

## **GENERAL CONTRACTORS, LICENSING BOARD FOR**

The rules in Subchapter 12A concern general provisions including organization and responsibilities of the board (.0100); licensing requirements (.0200); application procedure (.0300); examination (.0400); license (.0500); board disciplinary procedures (.0700); contested cases (.0800); and homeowners recovery fund (.0900).

Classification 21 NCAC 12A .0202

Amend\*

License Granted 21 NCAC 12A .0501

Amend\*

The rules in Subchapter 12B concern the general provisions (.0100); providers (.0200); courses (.0300); and instructors (.0400) for continuing education.

Denial or Withdrawal of Provider Approval 21 NCAC 12B .0203

Amend\*

Approval and Renewal of Elective Course 21 NCAC 12B .0302

Amend\*

Application Criteria for Initial Instructor Approval 21 NCAC 12B .0401

Amend\*

## **LANDSCAPE ARCHITECTS, BOARD OF**

The rules in Chapter 26 are from the Board of Landscape Architects and include statutory and administrative provisions (.0100); practice rules for registered landscape architects (.0200);

examination and licensing procedures (.0300); rules, petitions and hearings (.0400); and board disciplinary procedures (.0500).

<u>Authority: Name and Location of the Board</u> Amend*	21	NCAC	26	.0101
<u>Fees</u> Amend*	21	NCAC	26	.0105
<u>Definitions</u> Amend*	21	NCAC	26	.0107
<u>Board Listing of Individuals and Firm Names</u> Amend*	21	NCAC	26	.0201
<u>Name of Firm</u> Amend*	21	NCAC	26	.0206
<u>Unprofessional Conduct</u> Amend*	21	NCAC	26	.0209
<u>Dishonest Practice</u> Amend*	21	NCAC	26	.0210
<u>Scope of Practice</u> Adopt*	21	NCAC	26	.0212
<u>License by Comity</u> Amend*	21	NCAC	26	.0303
<u>Reinstatement After Revocation</u> Amend*	21	NCAC	26	.0306
<u>Duties and Functions of Continuing Education Advisory Com...</u> Amend*	21	NCAC	26	.0308
<u>Exemptions and Extension of Time</u> Amend*	21	NCAC	26	.0309
<u>Reinstatement Criteria</u> Amend*	21	NCAC	26	.0310
<u>Continuing Education Requests for Approval</u> Amend*	21	NCAC	26	.0311
<u>Compliance</u> Amend*	21	NCAC	26	.0312
<u>Individual Licenses</u> Amend*	21	NCAC	26	.0313
<u>Corporate Practice of Landscape Architecture</u> Amend*	21	NCAC	26	.0314
<u>Out-of-State Entities</u> Amend*	21	NCAC	26	.0315
<u>Complaints and Disciplinary Review Process</u> Amend*	21	NCAC	26	.0510

## **MEDICAL BOARD**

The rules in Subchapter 32R concern Continuing Medical Education (CME) Requirements.

<u>Approved Categories of CME</u> Amend*	21	NCAC	32R	.0102
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The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Continuing Medical Education  
Amend\*

21 NCAC 32S .0216

## **PHARMACY, BOARD OF**

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

Remote Medication Order Processing Services  
Repeal\*

21 NCAC 46 .1417

Centralized Pharmacy Services  
Amend\*

21 NCAC 46 .1816