

**Commission Review**  
**Log of Permanent Rule Filings**  
**April 21, 2020 through May 20, 2020**

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other, P Pre-reviewed

**ADMINISTRATION, DEPARTMENT OF**

The rules in Subchapter 5B concern purchase procedures including requisitioning (.0100); specifications (.0200); procurement authorization and procedures (.0300); rejection of offers (.0500); purchase of used items (.0600); removal of certain items from general construction (.0700); inspection and testing (.0900); guarantees and warranties (.1000); term contracts (.1100); partial and multiple awards (.1200); waiver of competition (.1400); miscellaneous provisions (.1500) exemptions, emergencies and special delegations (.1600); inventories and stores (.1800); and records of the division of purchase and contract (.1900).

Negotiation  
Amend\*

01 NCAC 05B .0503

**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).

Red-winged Blackbird  
Readopt without Changes\*

02 NCAC 09L .0706

**MEDICAL CARE COMMISSION**

The rules in Subchapter 13B set standards for the licensing of hospitals including supplemental rules for the licensure of skilled intermediate, adult care home beds in a hospital (.1900); specialized rehabilitative and rehabilitative services (.2000); general information (.3000); procedure (.3100); general requirements (.3200); patients' bill of rights (.3300); supplemental rules for the licensure of critical care hospitals (.3400); grievance and management (.3500); management and administration of operations (.3600); medical staff (.3700); nursing services (.3800); medical record services (.3900); outpatient services (.4000); emergency services (.4100); special care units (.4200); maternal-neonatal services (.4300); respiratory care services (.4400); pharmacy services and medication administration (.4500); surgical and anesthesia services (.4600); nutrition and dietetic services (.4700); diagnostic imaging (.4800); laboratory services and pathology (.4900); physical rehabilitation services (.5000); infection control (.5100); psychiatric services (.5200); nursing and adult care beds (.5300); comprehensive inpatient rehabilitation (.5400); supplemental rules for hospitals providing living organ donation transplant services (.5500); physical plant (.6000); general requirements (.6100); and construction requirements (.6200).

<u>Governing Body</u>	10A NCAC 13B .3501
Amend*	
<u>Required Facility Bylaws, Policies, Rules, and Regulations</u>	10A NCAC 13B .3502
Readopt with Changes*	
<u>Functions</u>	10A NCAC 13B .3503
Readopt with Changes*	
<u>General Provisions</u>	10A NCAC 13B .3701
Readopt with Changes*	
<u>Establishment</u>	10A NCAC 13B .3702
Readopt/Repeal*	
<u>Appointment</u>	10A NCAC 13B .3703
Amend*	
<u>Establishment and Categories of Medical Staff Membership</u>	10A NCAC 13B .3704
Readopt with Changes*	
<u>Medical Staff Bylaws, Rules, and Regulations</u>	10A NCAC 13B .3705
Readopt with Changes*	
<u>Organization and Responsibilities of the Medical Staff</u>	10A NCAC 13B .3706
Readopt with Changes*	
<u>Medical Orders</u>	10A NCAC 13B .3707
Readopt with Changes*	
<u>Medical Staff Responsibilities for Quality Improvement Re...</u>	10A NCAC 13B .3708
Amend*	

## **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); safety requirements for industrial radiography operations (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); licenses for disposal site access (.1500); and standards for protections against radiation (.1600).

<u>Payment Due</u>	10A NCAC 15 .1102
Readopt with Changes*	
<u>Radioactive Materials and Accelerator Fee Amounts</u>	10A NCAC 15 .1106
Readopt with Changes*	

## **PUBLIC HEALTH, COMMISSION FOR**

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41A deal with communicable disease control and include reporting of communicable diseases (.0100); control measures for communicable diseases including special control measures (.0200-.0300); immunization (.0400); purchase and distribution of vaccine (.0500); special program/project funding (.0600); licensed nursing home services (.0700); communicable disease grants and contracts (.0800); and biological agent registry (.0900).

<u>Reportable Diseases and Conditions</u>	10A NCAC 41A .0101
Amend*	

## STATE REGISTRAR

The rules in Subchapter 41H concern vital records including general provisions (.0100); local registrars, deputy registrars, subregistrars (.0200); birth registration (.0300); delayed registration of births (.0400); death registration (.0500); certified copies (.0600); fees and refunds (.0700); change of names (.0800); corrections and amendments (.0900); new certificates (.1000); legitimations (.1100); removal of graves (.1200); access to records (.1300); and divorce and annulment (.1400).

Registration of Graves Removed  
Readopt without Changes\*

10A NCAC 41H .1201

## 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).

Period of Suspension: Revocation: or Denial  
Amend\*

12 NCAC 09A .0205

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 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).

Responsibilities of the School Director  
Amend\*

12 NCAC 09B .0202

Admission of Trainees  
Amend\*

12 NCAC 09B .0203

Terms and Conditions of General Instructor Certification  
Amend\*

12 NCAC 09B .0303

The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

Instructors: Annual In-Service Training  
Amend\*

12 NCAC 09E .0104

Minimum Training Specifications: Annual In-Service Training  
Amend\*

12 NCAC 09E .0105

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).

Terms and Conditions of General Instructor Certification  
Amend\*

12 NCAC 09G .0309

The rules in Subchapter 9H concern the firearms qualification certification program for qualified retired law enforcement officers.

## **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); and firearms in-service training and re-qualification (.2100).

## **CRIME VICTIMS COMPENSATION COMMISSION**

The rules in Chapter 9 concern the crime victims compensation commission (.0300).

<u>Administration</u>	14B NCAC 09 .0301
Readopt without Changes*	
<u>Processing and Payment of Claims</u>	14B NCAC 09 .0302
Readopt without Changes*	
<u>Meetings of the Commission</u>	14B NCAC 09 .0303
Readopt without Changes**	
<u>Contested Cases</u>	14B NCAC 09 .0304
Readopt without Changes**	
<u>Awards</u>	14B NCAC 09 .0305
Readopt without Changes*	

## **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>Determination of Experience</u>	14B NCAC 16 .0905
Readopt without Changes*	
<u>Pre-Delivery Report for Firearms Training Courses</u>	14B NCAC 16 .0907
Readopt without Changes*	
<u>Post-Delivery Report for Firearms Training Courses</u>	14B NCAC 16 .0908
Readopt without Changes*	
<u>Definitions</u>	14B NCAC 16 .1001
Readopt without Changes**	
<u>Petition for Hearing/Application for Relief</u>	14B NCAC 16 .1002
Readopt without Changes**	
<u>Processing Applications</u>	14B NCAC 16 .1003
Readopt without Changes**	

<u>Definitions</u>	14B NCAC 16 .1101
Readopt without Changes*	
<u>Training and Supervision Required in Level One</u>	14B NCAC 16 .1102
Readopt without Changes*	
<u>Training and Supervision Required in Level Two</u>	14B NCAC 16 .1103
Readopt without Changes*	
<u>Training and Supervision Required in Level Three</u>	14B NCAC 16 .1104
Readopt without Changes*	
<u>Educational Degrees and Non-Degreed Training</u>	14B NCAC 16 .1105
Readopt without Changes*	
<u>Consideration of Experience</u>	14B NCAC 16 .1106
Readopt without Changes*	
<u>Enforcement</u>	14B NCAC 16 .1107
Readopt without Changes*	
<u>Transferability of Training Hours</u>	14B NCAC 16 .1108
Readopt without Changes*	
<u>Definitions</u>	14B NCAC 16 .1201
Readopt without Changes*	
<u>Required Continuing Education Hours</u>	14B NCAC 16 .1202
Readopt without Changes*	
<u>Accreditation Standards</u>	14B NCAC 16 .1203
Readopt without Changes*	
<u>Non-Resident Licensee Continuing Education Credits</u>	14B NCAC 16 .1204
Readopt without Changes*	
<u>Recording and Reporting Continuing Education Credits</u>	14B NCAC 16 .1205
Readopt without Changes*	
<u>Non-Compliance</u>	14B NCAC 16 .1206
Readopt without Changes*	
<u>Credit for CE Courses</u>	14B NCAC 16 .1207
Readopt without Changes*	
<u>Minimum Standards for Unarmed Armored Car Service Guard R...</u>	14B NCAC 16 .1303
Readopt without Changes*	
<u>Investigation for Unarmed Armored Car Service Guard Regis...</u>	14B NCAC 16 .1304
Readopt without Changes*	
<u>Unarmed Armored Car Service Guard Registration Identifica...</u>	14B NCAC 16 .1305
Readopt without Changes*	
<u>Training Requirements for Unarmed Car Service Guards</u>	14B NCAC 16 .1307
Readopt without Changes*	
<u>Uniforms and Equipment</u>	14B NCAC 16 .1308
Readopt without Changes*	
<u>Minimum Stds/Armed Armored Car Service Guard Firearm Regi...</u>	14B NCAC 16 .1403
Readopt without Changes*	
<u>Investigation/Armed Armored Car Service Guard Firearm Reg...</u>	14B NCAC 16 .1404
Readopt without Changes*	
<u>Armed Armored Car Service Guard Firearm Registration Perm...</u>	14B NCAC 16 .1405
Readopt without Changes*	
<u>Training Requirements for Armed Armored Car Service Guards</u>	14B NCAC 16 .1407
Readopt without Changes*	
<u>Uniforms and Equipment</u>	14B NCAC 16 .1408

Readopt without 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); 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).

<u>Application of Erosion Rate Setback Factors</u> Readopt without Changes*	15A NCAC 07H .0104
<u>Effective Date of Rule Amendments</u> Readopt without Changes*	15A NCAC 07H .0105
<u>General Definitions</u> Readopt without Changes*	15A NCAC 07H .0106
<u>Estuarine and Ocean System Categories</u> Readopt without Changes*	15A NCAC 07H .0201
<u>Management Objective of the Estuarine and Ocean Systems</u> Readopt without Changes*	15A NCAC 07H .0203
<u>Coastal Wetlands</u> Readopt without Changes*	15A NCAC 07H .0205
<u>Estuarine Waters</u> Readopt without Changes*	15A NCAC 07H .0206
<u>Public Trust Areas</u> Readopt without Changes*	15A NCAC 07H .0207
<u>Use Standards</u> Readopt without Changes*	15A NCAC 07H .0208
<u>Coastal Shorelines</u> Readopt without Changes*	15A NCAC 07H .0209

## 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 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

License Fees  
Adopt\*

15A NCAC 10A .1601

## ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Chapter 13 cover hazardous and solid waste management, inactive hazardous substances, and waste disposal sites.

The rules in Subchapter 13A cover hazardous waste management and specifically HWTSD (hazardous waste treatment, storage, or disposal) facilities.

General  
Amend\*

15A NCAC 13A .0101

Standards for the Management of Specific Hazardous Wastes...  
Amend\*

15A NCAC 13A .0111

The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer facilities (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); requirements for beneficial use of coal combustion by-products (.1700); and financial assurance requirements for solid waste management facilities (.1800).

Financial Assurance Requirements for C&DLF Facilities and...  
Readopt with Changes\*

15A NCAC 13B .0546

Permit Required  
Amend\*

15A NCAC 13B .1105

Financial Responsibility Requirements  
Readopt/Repeal\*

15A NCAC 13B .1111

Financial Assurance Requirements for MSWLF Facilities and...  
Readopt with Changes\*

15A NCAC 13B .1628

General Requirements  
Adopt\*

15A NCAC 13B .1801

Financial Assurance Cost Estimate Requirements for Closure  
Adopt\*

15A NCAC 13B .1802

Financial Assurance Cost Estimate Requirements for Post-C...  
Adopt\*

15A NCAC 13B .1803

Financial Assurance Cost Estimate Requirements for Correc...  
Adopt\*

15A NCAC 13B .1804

Allowable Mechanisms for Financial Assurance

15A NCAC 13B .1805

Adopt\*

Language of Mechanisms for Financial Assurance

15A NCAC 13B .1806

Adopt\*

The rules in Subchapter 13C concern inactive hazardous substance or waste disposal sites including notices (.0100); prioritization system (.0200); and voluntary remedial action oversight by registered environmental consultants (.0300).

Definitions

15A NCAC 13C .0301

Readopt with Changes\*

General Provisions

15A NCAC 13C .0302

Readopt with Changes\*

Approval of Registered Environmental Consultants

15A NCAC 13C .0303

Readopt with Changes\*

Minimum Qualifications for Registered Environmental Consu...

15A NCAC 13C .0304

Readopt with Changes\*

Standards of Conduct for Registered Environmental Consult...

15A NCAC 13C .0305

Readopt with Changes\*

Technical Standards for Registered Environmental Consultants

15A NCAC 13C .0306

Readopt with Changes\*

Departmental Audits and Inspections

15A NCAC 13C .0307

Readopt with Changes\*

Cleanup Levels

15A NCAC 13C .0308

Readopt with Changes\*

**BARBER EXAMINERS, BOARD OF**

The rules in Subchapter 06C concern contested cases including general rules (.0100); request for a hearing (.0200); notice (.0500); who shall hear contested cases (.0600); place of hearing (.0700); intervention (.0800); and hearing officers (.0900).

Predetermination for Individuals with Criminal Records

21 NCAC 06C .0913

Adopt\*

The rules in Subchapter 6O govern the assessing of civil penalties.

Failure to Notify Board of Change of Barber Shop or School...

21 NCAC 06O .0122

Amend\*

The rules in Subchapter 6S concern examinations.

General Examination Instructions

21 NCAC 06S .0101

Amend\*

**MASSAGE AND BODYWORK THERAPY, BOARD OF**

The rules in Chapter 30 concern organization and general provisions (.0100); application for licensure (.0200); licensing (.0300); business practices (.0400); standards of professional conduct (.0500); massage and bodywork therapy schools (.0600); continuing education (.0700); rules (.0800); complaints, disciplinary action and hearings (.0900); and massage and bodywork therapy establishments (.1000).

Fees

21 NCAC 30 .1014

Adopt\*



## STATE HUMAN RESOURCES COMMISSION

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).

### Separation

25 NCAC 01E .0311

Amend\*

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).

### Back Pay

25 NCAC 01J .1306

Amend\*