

# Commission Review

## Log of Permanent Rule Filings

### March 21, 2019 through April 22, 2019

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

#### NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

The rules in Subchapter 2I concern library development including organizational rules (.0100); state aid to public libraries (.0200); and organization of regional libraries (.0300).

Qualifications for Grant Eligibility 07 NCAC 02I .0201  
Amend\*

#### HHS - HEALTH BENEFITS, DIVISION OF

The rules in Chapter 23 concern the administration of medical assistance.

The rules in Subchapter 23A concern general administration of the program.

Quality Assurance 10A NCAC 23A .0103  
Readopt with Changes\*

The rules in Subchapter 23C concern application for Medicaid benefits including the application process (.0100); and application, processing, monitoring and corrective action (.0200).

Application Processing Standards 10A NCAC 23C .0201  
Readopt with Changes\*

The rules in Subchapter 23D concern Medicaid eligibility groups (0100); and classification (.0200).

Mandatory Groups 10A NCAC 23D .0101  
Readopt/Repeal\*

Optional Groups 10A NCAC 23D .0102  
Readopt/Repeal\*

Classification 10A NCAC 23D .0201  
Readopt/Repeal\*

The rules in Subchapter 23E concern Medicaid eligibility requirements including non-financial requirements (.0100); and financial requirements (.0200).

Age 10A NCAC 23E .0101  
Readopt/Repeal\*

United States Citizen 10A NCAC 23E .0102  
Readopt/Repeal\*

Residence 10A NCAC 23E .0103  
Readopt with Changes\*

Deprivation 10A NCAC 23E .0104  
Readopt/Repeal\*

Disability 10A NCAC 23E .0105  
Readopt without Changes\*

Blindness 10A NCAC 23E .0106  
Readopt without Changes\*

<u>Caretaker Relative</u> Readopt/Repeal*	10A NCAC 23E .0107
<u>Inmate of Public Institution or Private Psychiatric Hospital</u> Readopt/Repeal*	10A NCAC 23E .0108
<u>Applying for all Benefits and Annuities</u> Readopt with Changes*	10A NCAC 23E .0201
<u>What Resources are Counted</u> Readopt with Changes*	10A NCAC 23E .0202
<u>Countable Income</u> Readopt with Changes*	10A NCAC 23E .0203
<u>Personal Needs Allowance</u> Readopt/Repeal*	10A NCAC 23E .0204
<u>Budget Unit Membership</u> Readopt with Changes*	10A NCAC 23E .0205
<u>Financial Responsibility and Deeming</u> Readopt/Repeal*	10A NCAC 23E .0206
<u>Whose Resources are Counted</u> Readopt with Changes*	10A NCAC 23E .0207
<u>Calculating Income</u> Readopt with Changes*	10A NCAC 23E .0208
<u>Deductible</u> Readopt without Changes*	10A NCAC 23E .0209
<u>Patient Liability</u> Readopt without Changes*	10A NCAC 23E .0210
<u>Alien Sponsor Deeming</u> Readopt without Changes*	10A NCAC 23E .0211

The rules in Subchapter 23G concern Medicaid certification (.0100); correction of erroneous eligibility (.0200); and redetermination of eligibility and change in situation (.0300).

<u>Certification and Authorization</u> Readopt/Repeal*	10A NCAC 23G .0101
<u>General</u> Readopt without Changes*	10A NCAC 23G .0201
<u>Corrective Actions</u> Readopt without Changes*	10A NCAC 23G .0202
<u>Time Limits for Corrections</u> Readopt without Changes*	10A NCAC 23G .0203
<u>Responsibility for Errors</u> Readopt with Changes*	10A NCAC 23G .0204
<u>Recommendation</u> Readopt/Repeal*	10A NCAC 23G .0303
<u>Change In Situation</u> Readopt without Changes*	10A NCAC 23G .0304

The rules in Subchapter 23H concern confidentiality and access to client records.

<u>Liability of Persons with Access</u> Readopt without Changes*	10A NCAC 23H .0106
<u>Right of Access</u> Readopt without Changes*	10A NCAC 23H .0107

<u>Withholding Information from the Client</u> Readopt without Changes*	10A NCAC 23H .0108
<u>Procedure for Review of Records</u> Readopt without Changes*	10A NCAC 23H .0109
<u>Consent for Release</u> Readopt without Changes*	10A NCAC 23H .0110
<u>Disclosure Without Client Consent</u> Readopt without Changes*	10A NCAC 23H .0111
<u>Documentation of Consent or Disclosure</u> Readopt without Changes*	10A NCAC 23H .0112
<u>Persons Designated to Disclose Information</u> Readopt without Changes*	10A NCAC 23H .0113

The rules in Chapter 25 concern medical assistance provided.

The rules in Subchapter 25A concern general medical services.

<u>Medical Services</u> Readopt without Changes*	10A NCAC 25A .0201
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The rules in Subchapter 25H concern dental services.

<u>Standards for Participation</u> Readopt without Changes*	10A NCAC 25H .0203
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The rules in Subchapter 25K concern drugs/pharmacy services including pharmacy services (.0200); the drug use review board (.0300); prospective drug review (.0400); retrospective drug use (DUR) (.0500).

<u>Pharmacy Services</u> Readopt/Repeal*	10A NCAC 25K .0201
<u>Patient Counseling</u> Readopt without Changes*	10A NCAC 25K .0401

The rules in Subchapter 25M concern facilities.

<u>Inpatient Hospital Services</u> Readopt/Repeal*	10A NCAC 25M .0201
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The rules in Subchapter 25P concern medical-surgical including inpatient hospital services (.0200); outpatient hospital services (.0300); and other services (.0400).

<u>Inpatient Hospital Services</u> Readopt/Repeal*	10A NCAC 25P .0201
<u>Outpatient Hospital Services</u> Readopt/Repeal*	10A NCAC 25P .0301
<u>Clinic Services</u> Readopt/Repeal*	10A NCAC 25P .0402

## **SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

Rules in Subchapter 10B are from the N. C. Sheriffs' Education and Training Standards Commission. These rules 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).

Time Req/Completion/Basic Law Enforcement Training Course 12 NCAC 10B .0503  
Amend\*

## **WILDLIFE RESOURCES COMMISSION**

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).

Manner of Taking Nongame Fishes: Purchase and Sale 15A NCAC 10C .0401  
Amend\*

## **TRANSPORTATION, DEPARTMENT OF**

The rules in Subchapter 2B concern highway planning including right of way (.0100); traffic engineering (.0200); chief engineer-programs (.0300); relocation assistance procedures (.0400); utility encroachments (.0500); and driveway entrances (.0600).

Construction of Railroad Tracks Across Right of Way 19A NCAC 02B .0150  
Readopt without Changes\*

Signalization of Existing Grade Crossing 19A NCAC 02B .0152  
Readopt/Repeal\*

Signalization of New Grade Crossing 19A NCAC 02B .0153  
Readopt with Changes\*

Cost of Railroad Separation Structures 19A NCAC 02B .0154  
Readopt without Changes\*

Construction and Maintenance of Railroad Crossing 19A NCAC 02B .0155  
Readopt without Changes\*

Paving of Roadway Surface Crossing Railroad Tracks 19A NCAC 02B .0156  
Readopt without Changes\*

Cost of Changing Elevation of Railroad Facilities 19A NCAC 02B .0157  
Readopt without Changes\*

Changing Grade of Road When Grade of RR Tracks is Changed 19A NCAC 02B .0158  
Readopt without Changes\*

Negotiation with Municipalities and Municipal Agreements 19A NCAC 02B .0315  
Readopt without Changes\*

The rules in Chapter 2 are from the Division of Highways. The rules in Subchapter 2D concern highway operations including standards for design and construction (.0100); landscape (.0200); field operations-maintenance and equipment (.0400); ferry operations (.0500); oversize-overweight permits (.0600); highway design branch (.0700); prequalification advertising and bidding regulations (.0800); regulations for informal construction and repair contracts (.0900); adopt-a-highway program (.1000); and disadvantaged business enterprise, minority business enterprise and women business enterprise programs for highway and bridge construction contracts (.1100).

Curb and Gutter and Underground Drainage on Highways 19A NCAC 02D .0402  
Readopt without Changes\*

<u>Use of Dust Allaying Materials</u>	19A NCAC 02D .0403
Readopt without Changes*	
<u>Examples of Construction and Maintenance Activities</u>	19A NCAC 02D .0405
Readopt/Repeal*	
<u>Rental of Supplemental Equipment</u>	19A NCAC 02D .0410
Readopt without Changes*	
<u>Location of Garbage Collection Containers</u>	19A NCAC 02D .0414
Readopt without Changes*	
<u>Installation of Driveway Pipe</u>	19A NCAC 02D .0421
Readopt without Changes*	
<u>Federal Disaster Assistance</u>	19A NCAC 02D .0425
Readopt/Repeal*	
<u>Ferry Reservations</u>	19A NCAC 02D .0535
Readopt without Changes*	
<u>Vehicle Weight Limitations</u>	19A NCAC 02D .0538
Readopt without Changes*	
<u>Vehicle Physical Dimension Limitations</u>	19A NCAC 02D .0539
Readopt without Changes*	

The rules in Subchapter 2E concern miscellaneous operations including tort claims (.0100); outdoor advertising (.0200); junkyard control (.0300); general ordinances (.0400); selective vegetation removal policy (.0600); professional or specialized services (.0700); solicitation of contributions for religious purposes at rest areas (.0800); distribution of newspapers from dispensers at rest areas and welcome centers (.0900); scenic byways (.1000); tourist-oriented directional sign program (.1100); private property owners (.1200).

<u>Unzoned Industrial Area</u>	19A NCAC 02E .0301
Readopt without Changes*	
<u>Fees</u>	19A NCAC 02E .0303
Readopt without Changes*	

## **SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES/STATE TREASURER, DEPARTMENT OF**

The rules in Chapter 11 concern administrative fees of supplemental retirement plans.

<u>Administrative Fees: NC 401(K) and NC 457 Plans</u>	20 NCAC 11 .0101
Adopt*	
<u>Administrative Fee: NC 403(b) Program</u>	20 NCAC 11 .0102
Adopt*	

## **LANDSCAPE CONTRACTORS' LICENSING BOARD**

The rules in Subchapter 28B are from the Landscape Contractors' Licensing Board and include board meetings and definitions (.0100); licensure, reciprocity and seal (.0200); license renewal and reinstatement (.0300); continuing education (.0400); minimum standards (.0500); fees (.0600); complaints and investigations (.0700); and hearings process and summary suspension (.0800).

<u>Practice of Landscape Contracting; Display of License Number</u>	21 NCAC 28B .0103
Amend*	
<u>Annual Reports</u>	21 NCAC 28B .0104
Adopt*	
<u>Applications for Licensure</u>	21 NCAC 28B .0201

Amend*		
<u>Reciprocity</u>	21	NCAC 28B .0202
Amend*		
<u>Qualifier/Qualifying Party; Use of Assumed Name</u>	21	NCAC 28B .0303
Adopt*		
<u>Continuing Education Units</u>	21	NCAC 28B .0402
Amend*		
<u>Continuing Education Records; Audit</u>	21	NCAC 28B .0403
Amend*		
<u>General</u>	21	NCAC 28B .0501
Amend*		
<u>Low-Voltage Lighting; Pools</u>	21	NCAC 28B .0507
Amend*		
<u>Fee Schedule</u>	21	NCAC 28B .0601
Amend*		
<u>Subpoenas</u>	21	NCAC 28B .0803
Amend*		
<u>Rulemaking Petition</u>	21	NCAC 28B .0901
Adopt*		

## APPRAISAL BOARD

The rules in Subchapter 57A cover licensing, certification and practice rules for appraisers including application procedures (.0100); licensing and certification (.0200); examination (.0300); general practice requirements (.0400); appraisal standards (.0500); and experience credit (.0600).

<u>Continuing Education</u>	21	NCAC 57A .0204
Amend*		
<u>Supervision of Trainees</u>	21	NCAC 57A .0407
Amend*		

The rules in Subchapter 57B cover real estate appraisal education including the courses required for licensure or certification (.0100); course sponsor standards for pre-licensing or pre-certification courses (.0200); pre-licensing and pre-certification course standards (.0300); course sponsor fees (.0400); fees for private real estate appraisal education schools (.0500); and continuing education course standards (.0600).

<u>Instructor Requirements</u>	21	NCAC 57B .0306
Amend*		
<u>Course Operational Requirements</u>	21	NCAC 57B .0606
Amend*		

## REAL ESTATE COMMISSION

The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate education and recovery fund (.1400); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); brokers in military service (.2100); and broker price opinions and comparative market analyses (.2200).

<u>Retention of Records</u>	21	NCAC 58A .0108
Readopt without Changes*		
<u>Provisional Broker to be Supervised by Broker</u>	21	NCAC 58A .0506
Readopt without Changes*		
<u>Complaints/Inquiries/Motions/Other Pleadings</u>	21	NCAC 58A .0601
Amend*		
<u>Presiding Officer</u>	21	NCAC 58A .0612
Readopt without Changes*		
<u>Postlicensing Education Requirement</u>	21	NCAC 58A .1902
Amend*		
<u>Waiver of 90-Hour Postlicensing Education Requirement</u>	21	NCAC 58A .1905
Amend*		
<u>Escrow Account</u>	21	NCAC 58A .2002
Readopt without Changes*		

The rules in Subchapter 58H concern real estate education including general rules (.0100); real estate schools (.0200); approved instructors (.0300); and continuing education (.0400).

<u>Application for Original Licensure of a Private Real Esta...</u>	21	NCAC 58H .0203
Amend*		
<u>Prelicensing and Postlicensing Course Enrollment</u>	21	NCAC 58H .0209
Amend*		
<u>Expiration and Renewal of a School Approval or License</u>	21	NCAC 58H .0214
Amend*		
<u>Application and Criteria for Original Prelicensing, Postl...</u>	21	NCAC 58H .0302
Amend*		

## **RESPIRATORY CARE BOARD**

The rules in Chapter 61 are from the Respiratory Care Board and concern organization and definitions (.0100); application for license (.0200); licensing (.0300); continuing education requirements for license holders (.0400); miscellaneous provisions (.0500); rulemaking and declaratory rulings (.0600); and administrative hearing procedures (.0700).

<u>Fees</u>	21	NCAC 61 .0204
Amend*		

## **BUILDING CODE COUNCIL**

<u>2018 NC Building Code/Separation</u>	1009.7.2
Amend*	
<u>2018 NC Building Code/Minimum Number of Required Plumbing...</u>	Table 2902.1
Amend*	
<u>2018 NC Building Code/Ground Signs</u>	312.1, H101.2, H109.2
Amend*	
<u>2018 NC Residential Code/Scope</u>	N1101.1
Amend*	
<u>2018 NC Energy Conservation Code/Scope</u>	R101.2
Amend*	
<u>2018 NC Existing Building Code/Energy Conservation Except...</u>	101.12

Amend\*

2018 NC Existing Building Code/Carbon Monoxide Alarms

Amend\*

403.11, 904.4.3,  
1104.2

2018 NC Plumbing Code/Small Occupancies

Amend\*

410.2