

Commission Review
Log of Permanent Rule Filings
September 21, 2018 through October 22, 2018

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 .2101
Amend	
<u>Performance Standards</u>	10A NCAC 14C .2103
Amend	

INSURANCE, DEPARTMENT OF

The rules in Chapter 10 are from the property and casualty division and include general provisions (.0100); interpretations (.0300); fire and casualty rating organizations (.0400); consent to rate (.0600); insurance in unlicensed foreign and alien companies (.0700); licensing of rating organizations (.0800); licensing of advisory organizations (.0900); licensing of joint underwriting organizations (.1000); rate filings (.1100); forms filings (.1200); NC Joint Underwriting Association (.1300); NC Insurance Underwriting Association (.1400); prospective loss costs filings (.1600); and licensing of statistical organizations (.1700).

<u>Consent to Rate Procedures: Rate Bureau Coverages</u>	11 NCAC 10 .0602
Amend	
<u>Consent to Rate Procedures: Commercial Coverages</u>	11 NCAC 10 .0603
Amend	
<u>Consent to Rate Auto Liability Coverage</u>	11 NCAC 10 .0605
Amend	
<u>Consent to Rate Procedures</u>	11 NCAC 10 .0606
Repeal	

INDUSTRIAL COMMISSION

The rules in Subchapter 23A concern workers' compensation rules including administration (.0100); notice of act (.0200); insurance (.0300); disability, compensation, fees (.0400); agreements (.0500); claims administration and procedures (.0600); appeals (.0700); rules of the commission (.0800); report of earnings (.0900); and preauthorization for medical treatment (.1000).

<u>Location of Main Office and Hours of Business</u>	11	NCAC 23A .0101
Amend		
<u>Official Forms</u>	11	NCAC 23A .0102
Amend		
<u>Notice of Accident and Claim of Injury or Occupational Di...</u>	11	NCAC 23A .0103
Amend		
<u>Electronic Filings with the Commission; How to File</u>	11	NCAC 23A .0108
Amend		
<u>Required Contact Information from Carriers</u>	11	NCAC 23A .0302
Amend		
<u>Safety Rules</u>	11	NCAC 23A .0411
Amend		
<u>Notice of Last Payment Filing Requirement</u>	11	NCAC 23A .0503
Amend		
<u>Request for Hearing</u>	11	NCAC 23A .0602
Amend		
<u>Responding to a Party's Request for Hearing</u>	11	NCAC 23A .0603
Amend		
<u>Statement of Incident Leading to Claim</u>	11	NCAC 23A .0608
Amend		
<u>Medical Motions and Emergency Medical Motions</u>	11	NCAC 23A .0609A
Amend		
<u>Pre-Trial Agreement</u>	11	NCAC 23A .0610
Amend		
<u>Hearings Before the Commission</u>	11	NCAC 23A .0611
Amend		
<u>Disqualification of a Commissioner or Deputy Commissioner</u>	11	NCAC 23A .0618
Repeal		

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).

<u>Documentation of Educational Requirement</u>	12	NCAC 10B .0302
Amend		
<u>Evaluation for Training Waiver</u>	12	NCAC 10B .0505
Amend		
<u>Training for School Resource Officers</u>	12	NCAC 10B .0510
Adopt		
<u>Minimum Training Requirements</u>	12	NCAC 10B .2005
Amend		

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15A concern organization rules: policies and procedures including general provisions (.0100); structure (.0200); publications, records, copies (.0300); rule-making (.0400); emergency rules (.0500); declaratory rulings (.0600); personnel policies: commission (.0700); adjudication: contested cases (.0800); fiscal rules for local boards (.0900); local abc board: personnel policies (.1000); local abc boards: relationship with state commission (.1100); openings and discontinuance of stores (.1200); storage and distribution of spirituous liquors: commercial transportation (.1300); purchase of alcoholic beverages by local boards (.1400); pricing of spirituous liquor (.1500); warehouse storage of spirituous liquors (.1600); retail sales of alcoholic beverages (.1700); purchase transportation permits for individuals and mixed beverages permittees (.1800); sales of liquor to mixed beverages permittees (.1900); local board training (.2000); distillery permit holders' sale of spirituous liquor distilled on premises to visitors of the distillery for consumption off the premises (.2100); and special one-time permits (.2200).

<u>Definitions</u>	14B NCAC 15A .2201
Adopt	
<u>Collector Transport or Sale Permits</u>	14B NCAC 15A .2202
Adopt	
<u>Permissible Sales Under Collector Transport or Sale Permit</u>	14B NCAC 15A .2203
Adopt	
<u>Special Auction Permits</u>	14B NCAC 15A .2204
Adopt	
<u>Conditions of Sale Under Special Auction Permits</u>	14B NCAC 15A .2205
Adopt	

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2K concern dam safety including general provisions (.0100); obtaining approval for dam construction: repair: or removal (.0200); inspections: dam safety orders (.0300); and minimum stream flows to maintain aquatic habitat (/0500).

<u>Additional Design Requirements</u>	15A NCAC 02K .0212
Readopt with Changes	

The rules in Chapter 13 concern Solid Waste Management. 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); and requirements for beneficial use of coal combustion by-products (.1700).

<u>Definitions</u>	15A NCAC 13B .1101
Readopt with Changes	
<u>Application Fee and Annual Permit Fee</u>	15A NCAC 13B .1102
Repeal	
<u>Generator of Scrap Tires</u>	15A NCAC 13B .1103
Readopt with Changes	

<u>General Conditions</u>	15A NCAC 13B .1104
Readopt with Changes	
<u>Permit Required</u>	15A NCAC 13B .1105
Readopt with Changes	
<u>Scrap Tire Collection Site Permit Requirements</u>	15A NCAC 13B .1106
Readopt with Changes	
<u>Scrap Tire Collection Site Operational Requirements</u>	15A NCAC 13B .1107
Readopt with Changes	
<u>Scrap Tire Disposal Site Permit and Operational Requirements</u>	15A NCAC 13B .1108
Repeal	
<u>Closure of Non-Conforming Sites</u>	15A NCAC 13B .1109
Readopt with Changes	
<u>Scrap Tire Processing Facilities</u>	15A NCAC 13B .1110
Repeal	

WATER TREATMENT FACILITY OPERATORS CERTIFICATION BOARD

The rules in Chapter 18 deal with environmental health.

The rules in Subchapter 18D concern water treatment facility operators including general policies (.0100); qualification of applicants and classification of facilities (.0200); applications and fees (.0300); issuance of certificate (.0400); rule-making procedures (.0500); contested cases (.0600) and operation and management (.0700).

<u>Certified Operator Required</u>	15A NCAC 18D .0206
Readopt with Changes	

MEDICAL BOARD

The rules in Subchapter 32Y concern the controlled substance reporting system.

<u>Reporting Criteria</u>	21 NCAC 32Y .0101
Amend	

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>Selection and Qualifications of Nurse Members</u>	21 NCAC 36 .0109
Readopt with Changes	
<u>Determination of Vacancy</u>	21 NCAC 36 .0112
Readopt with Changes	
<u>Determination of Qualifications</u>	21 NCAC 36 .0113
Readopt with Changes	
<u>Definitions</u>	21 NCAC 36 .0120
Amend	
<u>Regular Renewal</u>	21 NCAC 36 .0201
Amend	

<u>Inactive and Retired Status</u> Readopt with Changes	21	NCAC 36	.0202
<u>Reinstatement of Lapsed License</u> Readopt with Changes	21	NCAC 36	.0203
<u>Verification to Another State</u> Amend	21	NCAC 36	.0207
<u>Change of Name</u> Amend	21	NCAC 36	.0208
<u>Licensure by Examination</u> Readopt with Changes	21	NCAC 36	.0211
<u>Reexamination</u> Readopt with Changes	21	NCAC 36	.0213
<u>Investigations; Disciplinary Hearings</u> Amend	21	NCAC 36	.0217
<u>Licensure Without Examination (By Endorsement)</u> Readopt with Changes	21	NCAC 36	.0218
<u>Temporary License</u> Readopt with Changes	21	NCAC 36	.0219
<u>Refresher Course</u> Readopt with Changes	21	NCAC 36	.0220
<u>License Required</u> Readopt with Changes	21	NCAC 36	.0221
<u>Continuing Education Programs</u> Readopt with Changes	21	NCAC 36	.0223
<u>Components of Nursing Practice for the Registered Nurse</u> Readopt with Changes	21	NCAC 36	.0224
<u>Components of Nursing Practice for the Licensed Practical...</u> Readopt with Changes	21	NCAC 36	.0225
<u>Nurse Anesthesia Practice</u> Readopt with Changes	21	NCAC 36	.0226
<u>Clinical Nurse Specialist Practice</u> Readopt with Changes	21	NCAC 36	.0228
<u>Continuing Competence</u> Readopt with Changes	21	NCAC 36	.0232
<u>Out of State Students</u> Readopt with Changes	21	NCAC 36	.0233
<u>Establishment of a Nursing Program - Initial Approval</u> Readopt with Changes	21	NCAC 36	.0302
<u>Existing Nursing Program</u> Readopt with Changes	21	NCAC 36	.0303
<u>Process for Program Closure</u> Readopt without Changes	21	NCAC 36	.0309
<u>Administration</u> Readopt with Changes	21	NCAC 36	.0317
<u>Faculty</u> Readopt with Changes	21	NCAC 36	.0318
<u>Students</u> Readopt with Changes	21	NCAC 36	.0320

<u>Curriculum</u>	21	NCAC 36	.0321
Readopt with Changes			
<u>Facilities</u>	21	NCAC 36	.0322
Readopt without Changes			
<u>Records and Reports</u>	21	NCAC 36	.0323
Readopt with Changes			
<u>Roles of Unlicensed Personnel</u>	21	NCAC 36	.0401
Amend			
<u>Coordination with Division of Health Service Regulation</u>	21	NCAC 36	.0402
Amend			
<u>Qualifications</u>	21	NCAC 36	.0403
Readopt with Changes			
<u>Listing and Renewal</u>	21	NCAC 36	.0404
Readopt with Changes			
<u>Approval of Nurse Aide Education Programs</u>	21	NCAC 36	.0405
Readopt with Changes			
<u>Medication Aide Training Requirements</u>	21	NCAC 36	.0406
Readopt with Changes			
<u>Name of Professional Corporation</u>	21	NCAC 36	.0502
Amend			
<u>Prerequisites for Incorporation</u>	21	NCAC 36	.0503
Amend			
<u>Certificate of Registration</u>	21	NCAC 36	.0504
Amend			
<u>General and Administrative Provisions</u>	21	NCAC 36	.0505
Amend			
<u>Forms</u>	21	NCAC 36	.0506
Amend			
<u>Fees</u>	21	NCAC 36	.0507
Amend			
<u>Name of Limited Liability Company</u>	21	NCAC 36	.0601
Amend			
<u>Prerequisites for Organization</u>	21	NCAC 36	.0602
Amend			
<u>Certificate of Registration</u>	21	NCAC 36	.0603
Amend			
<u>General and Administrative Provisions</u>	21	NCAC 36	.0604
Amend			
<u>Fees</u>	21	NCAC 36	.0605
Amend			
<u>Definitions</u>	21	NCAC 36	.0801
Readopt without Changes			
<u>Scope of Practice</u>	21	NCAC 36	.0802
Readopt without Changes			
<u>Nurse Practitioner Registration</u>	21	NCAC 36	.0803
Readopt without Changes			
<u>Process for Approval to Practice</u>	21	NCAC 36	.0804
Readopt without Changes			

<u>Education and Certification Requirements for Registration...</u> Readopt without Changes	21	NCAC 36	.0805
<u>Annual Renewal</u> Readopt without Changes	21	NCAC 36	.0806
<u>Continuing Education (CE)</u> Readopt without Changes	21	NCAC 36	.0807
<u>Inactive Status</u> Readopt without Changes	21	NCAC 36	.0808
<u>Prescribing Authority</u> Readopt without Changes	21	NCAC 36	.0809
<u>Quality Assurance Standards for a Collaborative Practice ...</u> Readopt without Changes	21	NCAC 36	.0810
<u>Method of Identification</u> Readopt without Changes	21	NCAC 36	.0811
<u>Disciplinary Action</u> Readopt without Changes	21	NCAC 36	.0812
<u>Fees</u> Readopt without Changes	21	NCAC 36	.0813
<u>Practicing During a Disaster</u> Readopt without Changes	21	NCAC 36	.0814
<u>Reporting Criteria</u> Readopt without Changes	21	NCAC 36	.0815

BUILDING CODE COUNCIL

<u>2018 NC Residential Code/Tying and bracing of wood piles</u> Amend	R4603.6
<u>2018 NC Residential Code/Girder Connection to Side of Post</u> Amend	AM105.1
<u>2018 NC Fire Prevention Code/Vehicles</u> Amend	314.4
<u>2018 NC Building Code/Stairway Doors</u> Amend	1010.1.9.11
<u>2017 NC Electrical Code/Definition. Closet Storage Space</u> Amend	410.2
<u>2017 Electrical Code/Luminaires in Clothes Closets</u> Amend	410.16