

Commission Review

Log of Permanent Rule Filings

October 22, 2013 through November 20, 2013

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

NC RURAL ELECTRIFICATION AUTHORITY

The rules in Chapter 8 concern rural electrification authority including general provisions (.0100); electric Membership Corporations (.0200); telephone membership corporations (.0300); petitions: hearings: temporary rules: declaratory rulings: contested cases.

<u>Purpose</u>	04	NCAC 08	.0101
Amend/*			
<u>Address of the NCREA</u>	04	NCAC 08	.0102
Amend/*			
<u>Meetings</u>	04	NCAC 08	.0107
Amend/*			
<u>Notification of Meetings</u>	04	NCAC 08	.0108
Repeal/*			
<u>Authority Staff</u>	04	NCAC 08	.0109
Amend/*			
<u>Correspondence and Communications</u>	04	NCAC 08	.0110
Repeal/*			
<u>Board Proceedings</u>	04	NCAC 08	.0111
Repeal/*			
<u>Member Visitation</u>	04	NCAC 08	.0112
Repeal/*			
<u>Definitions</u>	04	NCAC 08	.0201
Amend/*			
<u>Loan Applications and Categories</u>	04	NCAC 08	.0202
Amend/*			
<u>Loan Categories</u>	04	NCAC 08	.0203
Repeal/*			
<u>Documents Required for Loan</u>	04	NCAC 08	.0204
Amend/**			
<u>Presentation of Documents</u>	04	NCAC 08	.0205
Repeal/*			
<u>Operating Rules and Regulations</u>	04	NCAC 08	.0206
Amend/*			
<u>Operating Rules and Regulations</u>	04	NCAC 08	.0207
Repeal/*			
<u>Bylaws</u>	04	NCAC 08	.0208
Repeal/*			
<u>Rate Schedules</u>	04	NCAC 08	.0209
Repeal/*			
<u>Complaints</u>	04	NCAC 08	.0210
Amend/**			
<u>Data Sheets for Progress Reports</u>	04	NCAC 08	.0211
Repeal/*			

<u>Operating Budget</u> Repeal/*	04	NCAC 08	.0212
<u>Definitions</u> Amend/*	04	NCAC 08	.0301
<u>Loan Applications</u> Amend/*	04	NCAC 08	.0302
<u>Loan Categories</u> Repeal/*	04	NCAC 08	.0303
<u>Presentation of Documents</u> Repeal/*	04	NCAC 08	.0305
<u>Operating Rules and Regulations</u> Amend/**	04	NCAC 08	.0306
<u>Operating Rules and Regulations</u> Repeal/*	04	NCAC 08	.0307
<u>Bylaws</u> Repeal/*	04	NCAC 08	.0308
<u>Tariffs</u> Repeal/*	04	NCAC 08	.0309
<u>Complaints</u> Repeal/*	04	NCAC 08	.0310
<u>Data Sheets for Progress Reports</u> Repeal/*	04	NCAC 08	.0311
<u>Operating Budget</u> Repeal/*	04	NCAC 08	.0312
<u>Petitions for Rule-Making Hearings</u> Amend/*	04	NCAC 08	.0401
<u>Declaratory Rulings</u> Amend/*	04	NCAC 08	.0404

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 43 are personal health rules.

The rules in Subchapter 43H are rules of the Sickle Cell Syndrome, genetic counseling and children and youth section including rules about the sickle cell syndrome program (.0100); sickle cell contract funds (.0200); and genetic health care (.0300).

<u>Medical Services Covered</u> Amend/*	10A	NCAC 43H	.0111
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The rules in Chapter 45 are general procedures for public health programs.

The rules in Subchapter 45A are rules about payment programs including general provisions (.0100); eligibility determinations (.0200); eligibility procedures (.0300); reimbursement (.0400); and quality control (.0500).

<u>General</u> Amend/*	10A	NCAC 45A	.0101
<u>Definitions</u> Amend/*	10A	NCAC 45A	.0102
<u>Determination of Financial Eligibility</u> Amend/*	10A	NCAC 45A	.0202

<u>Determination</u>	10A NCAC 45A .0204
Amend/*	
<u>Authorization</u>	10A NCAC 45A .0302
Amend/*	
<u>Payment</u>	10A NCAC 45A .0303
Amend/*	
<u>General</u>	10A NCAC 45A .0401
Amend/*	
<u>Reimbursement for Inpatient Hospitalization</u>	10A NCAC 45A .0402
Amend/*	
<u>Reimbursement for Professional Outpatient Other Services</u>	10A NCAC 45A .0403
Amend/*	
<u>Reimbursement for Services not Covered by Medicaid</u>	10A NCAC 45A .0404
Amend/*	
<u>Billing the Patient Prohibited</u>	10A NCAC 45A .0405
Amend/*	

HOME INSPECTOR LICENSURE BOARD

The rules in Chapter 8 are the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Complaints</u>	11 NCAC 08 .1202
Amend/*	
<u>Board Staff</u>	11 NCAC 08 .1203
Repeal/*	
<u>Investigation</u>	11 NCAC 08 .1204
Amend/*	
<u>Disciplinary Hearing</u>	11 NCAC 08 .1205
Amend/*	

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

<u>Jordan Water Supply Nutrient Strategy: Purpose and Scope</u>	15A NCAC 02B .0262
Amend/*	

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); general conformity for federal actions

(.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); mercury rules for electric generators (.2500); and source testing (.2600).

<u>Applicability</u>	15A NCAC 02D .1002
Amend/*	
<u>Definitions</u>	15A NCAC 02D .1003
Amend/*	
<u>On-Board Diagnostic Standards</u>	15A NCAC 02D .1005
Amend/*	
<u>Sale and Service of Analyzers</u>	15A NCAC 02D .1006
Amend/*	
<u>Model Year 2008 & Subsequent Model Year</u>	15A NCAC 02D .1009
Repeal/*	
<u>Toxic Air Pollutant Guidelines</u>	15A NCAC 02D .1104
Amend/*	

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

<u>Emission Rates Requiring a Permit</u>	15A NCAC 02Q .0711
Amend/*	

ENVIRONMENT AND NATURAL RESOURCES, DEPARTMENT OF

The rules in Subchapter 12B concern parks and recreation areas including general provisions (.0100); preservation of the park (.0200); bathing (.0300); refuse and rubbish (.0400); traffic and parking (.0500); boating and camping (.0600); sports and games (.0700); hunting and fishing (.0800); firearms, explosives, fires, etc. (.0900); disorderly conduct, public nuisance, etc. (.1000); commercial enterprises, advertising, meetings, exhibitions, etc. (.1100); and miscellaneous (.1200).

<u>Firearms; Weapons; Explosives</u>	15A NCAC 12B .0901
Amend/*	

PUBLIC HEALTH, COMMISSION FOR

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>General Provisions</u>	15A NCAC 13B .0832
Amend/*	

SECRETARY OF STATE, DEPARTMENT OF

The rules in Chapter 12 concern lobbying including general provisions (.0100); forms completion (.0200); submission, review, amendment, and correction of documents (.0300); fees (.0400); economic information confidentiality protection (.0500); registration requirements and ending of lobbyist-principal relationship (.0600); disclosure of lobbyist and principal identity (.0700); lobbyist reporting (.0800); reporting by principal (.0900); solicitors and the solicitation of others (.1000); liaison personnel (.1100); confidentiality and records (.1200); preservation of records by lobbyists, principals, solicitors and liaisons (.1300); and department provision of lists to designated individuals (.1400).

<u>Limitations on Fee Reduction or Waiver</u>	18	NCAC 12	.0404
Repeal/*			
<u>Nonprofits to Which No Fee Reduction or Waiver Shall Be G...</u>	18	NCAC 12	.0405
Repeal/*			
<u>Nonprofit Fee Reduction Procedure</u>	18	NCAC 12	.0406
Repeal/*			
<u>Submission of Reduced Fee</u>	18	NCAC 12	.0407
Repeal/*			
<u>Submission of Documentation Supporting Fee Reduction Request</u>	18	NCAC 12	.0408
Repeal/*			
<u>Fee Reduction Applies to Both Lobbyist and Principal</u>	18	NCAC 12	.0409
Repeal/*			
<u>Payment of Remainder of Fee if Reduction</u>	18	NCAC 12	.0410
Repeal/*			
<u>Consequences of Failure to Pay Reminder of Fee</u>	18	NCAC 12	.0411
Repeal/*			
<u>Nonprofit Fee Waiver Procedure</u>	18	NCAC 12	.0412
Repeal/*			
<u>Submission of Fee with Request for Waiver</u>	18	NCAC 12	.0413
Repeal/*			
<u>Refund of Fee if Request for Waiver Granted</u>	18	NCAC 12	.0414
Repeal/*			
<u>Submission of Documentation Supporting Fee Waiver Request</u>	18	NCAC 12	.0415
Repeal/*			
<u>Fee Waiver Applies to Both Lobbyist and Principal</u>	18	NCAC 12	.0416
Repeal/*			
<u>General Proof of Nonprofit Status</u>	18	NCAC 12	.0417
Repeal/*			
<u>Officers or Persons Authorized to Demonstrate Nonprofit S...</u>	18	NCAC 12	.0418
Repeal/*			
<u>Submission of Federal Tax-Exempt Determination Letter</u>	18	NCAC 12	.0421
Repeal/*			
<u>Documents to be Submitted by Nonprofit Principals Without...</u>	18	NCAC 12	.0422
Repeal/*			
<u>Additional Information for Fee Reduction for Nonprofit wi...</u>	18	NCAC 12	.0423
Repeal/*			
<u>Additional Information for Fee Reduction for Nonprofit wi...</u>	18	NCAC 12	.0424
Repeal/*			
<u>Contents for Fee Reduction Request for Nonprofit Without ...</u>	18	NCAC 12	.0425
Repeal/*			

Additional Information for Fee Waiver
Repeal/*

18 NCAC 12 .0426

CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

The rules in Subchapter 8A are departmental rules including organizational rules (.0100), board procedures (.0200), and definitions (.0300).

Definitions
Amend/*

21 NCAC 08A .0301

The rules in Subchapter 8F are the requirements for CPA examination and certificate applicants including general provisions (.0100), fees and refunds (.0200), educational requirements (.0300), experience (.0400), and applications (.0500).

Filing of Examination Applications and Fees
Amend/*

21 NCAC 08F .0103

Application for CPA Certificate
Amend/*

21 NCAC 08F .0502

The rules in Subchapter 8G are the continuing professional education requirements including general provisions (.0100); responsibilities to clients and colleagues (.0200); and other responsibilities and requirements (.0300 and .0400).

CPE Requirements for CPAS
Amend/*

21 NCAC 08G .0401

Qualification of CPE Sponsors
Amend/*

21 NCAC 08G .0403

Computation of CPE Credits
Amend/*

21 NCAC 08G .0409

Professional Ethics and Conduct CPE
Amend/*

21 NCAC 08G .0410

The rules in Subchapter 8I concern revocation of certificates and other disciplinary action.

Modification of Discipline
Amend/*

21 NCAC 08I .0104

The rules in Subchapter 8J concern renewals and registrations.

Retired and Inactive Status: Change of Status
Amend/*

21 NCAC 08J .0105

Forfeiture or Inactivation of Certificate and Reissuance ...
Amend/*

21 NCAC 08J .0106

Mailing Addresses of Certificate Holders and CPA Firms
Amend/*

21 NCAC 08J .0107

The rules in Subchapter 8M relate to the State Quality Review program including general requirements (.0100), duties of the reviewed firm (.0200), review team qualifications and duties (.0300), and advisory committee (.0400).

Peer Review Requirements
Amend/*

21 NCAC 08M .0105

The rules in Subchapter 8N are professional ethics and conduct rules including scope and applicability (.0100); rules applicable to all CPAs (.0200); rules applicable to CPAs who use the CPA title in offering or rendering products or services to clients (.0300); and rules applicable to CPAs performing attest services (.0400).

<u>Deceptive Conduct Prohibited</u> Amend/*	21	NCAC 08N .0202
<u>Discreditable Conduct Prohibited</u> Amend/*	21	NCAC 08N .0203
<u>Reporting Convictions Judgments and Disciplinary Actions</u> Amend/*	21	NCAC 08N .0208

COSMETIC ART EXAMINERS, BOARD OF

The rules in Subchapter 14G give the requirements for the establishment of cosmetic art schools.

<u>Requirements for Operating Cosmetic Art Schools</u> Repeal/*	21	NCAC 14G .0101
<u>Equipment and Teachers</u> Repeal/*	21	NCAC 14G .0107
<u>Visitation</u> Repeal/*	21	NCAC 14G .0108
<u>Student Credit</u> Repeal/*	21	NCAC 14G .0109
<u>Transferability of Letters of Approval</u> Repeal/*	21	NCAC 14G .0110
<u>Changes of Location Ownership or Management</u> Repeal/*	21	NCAC 14G .0111
<u>Condition of Equipment</u> Repeal/*	21	NCAC 14G .0112
<u>Teacher/Student Ratio</u> Repeal/*	21	NCAC 14G .0113
<u>Changes in Teaching Staff</u> Repeal/*	21	NCAC 14G .0117
<u>School Curriculum Approval (A) No Cosmetic Art Shop or an...</u> Repeal/*	21	NCAC 14G .0118

The rules in Subchapter 14I govern the operation of cosmetic art schools including record keeping (.0100); the reception area (.0200); classrooms (.0300); and licensure of convicted felons (.0400).

<u>Permanent Files</u> Repeal/*	21	NCAC 14I .0101
<u>Daily Record</u> Repeal/*	21	NCAC 14I .0102
<u>Inspection Reports and Reports of Students Hours</u> Repeal/*	21	NCAC 14I .0103
<u>Withdrawals</u> Repeal/*	21	NCAC 14I .0104
<u>Transfer of Credit</u> Repeal/*	21	NCAC 14I .0105
<u>Student Daily Records</u>	21	NCAC 14I .0106

Repeal/*			
<u>Report of Enrollment</u>	21	NCAC 14I	.0107
Repeal/*			
<u>Seal</u>	21	NCAC 14I	.0108
Repeal/*			
<u>Summary of Cosmetic Art Education</u>	21	NCAC 14I	.0109
Repeal/*			
<u>Uniform</u>	21	NCAC 14I	.0110
Repeal/*			
<u>Reception Area</u>	21	NCAC 14I	.0201
Repeal/*			
<u>Reception Area Sign</u>	21	NCAC 14I	.0202
Repeal/*			
<u>Bulletin Board</u>	21	NCAC 14I	.0203
Repeal/*			
<u>Sanitation Rules</u>	21	NCAC 14I	.0204
Repeal/*			
<u>Dressing Room</u>	21	NCAC 14I	.0205
Repeal/*			
<u>Recitation Room</u>	21	NCAC 14I	.0301
Repeal/*			
<u>Library</u>	21	NCAC 14I	.0302
Repeal/*			
<u>Classroom Bulletin Board</u>	21	NCAC 14I	.0303
Repeal/*			
<u>Classroom Work</u>	21	NCAC 14I	.0304
Repeal/*			

The rules in Subchapter 14J cover the cosmetology curriculum including the beginners' department (.0100); the advanced department (.0200); combined studies (.0300); the course of study (.0400); and credit for study outside of North Carolina (.0500).

<u>Department System</u>	21	NCAC 14J	.0101
Repeal/*			
<u>Uniform</u>	21	NCAC 14J	.0102
Repeal/*			
<u>Time Requirements According to Hours</u>	21	NCAC 14J	.0103
Repeal/*			
<u>Approved Rules</u>	21	NCAC 14J	.0107
Repeal/*			
<u>Eligibility for Advanced Department</u>	21	NCAC 14J	.0201
Repeal/*			
<u>Storing and Labeling of Cosmetics</u>	21	NCAC 14J	.0202
Repeal/*			
<u>Storing and Labeling of Cosmetics</u>	21	NCAC 14J	.0203
Repeal/*			
<u>Equipment in Advanced Department</u>	21	NCAC 14J	.0206
Repeal/*			

The rules in Subchapter 14K deal with the manicurist curriculum.

<u>Uniforms</u>	21	NCAC 14K .0101
Repeal/*		
<u>Course of Study</u>	21	NCAC 14K .0102
Repeal/*		
<u>Equipment and Instruments</u>	21	NCAC 14K .0103
Repeal/*		
<u>Services Performed</u>	21	NCAC 14K .0104
Repeal/*		
<u>Identification Pins</u>	21	NCAC 14K .0105
Repeal/*		

The rules in Subchapter 14L deal with teacher qualifications and examinations (.0100) and teacher program and curriculum (.0200).

<u>Supervision of Cosmetic Art Teacher Trainee</u>	21	NCAC 14L .0208
Repeal/*		
<u>Time Requirements for Teacher Trainee Program</u>	21	NCAC 14L .0209
Repeal/*		
<u>Effect on Student-Teacher Ration</u>	21	NCAC 14L .0210
Repeal/*		
<u>Work on Public Prohibited</u>	21	NCAC 14L .0211
Repeal/*		
<u>Teacher's Manual and Supervision</u>	21	NCAC 14L .0215
Repeal/*		
<u>Teacher Training Curriculum</u>	21	NCAC 14L .0216
Repeal/*		

The rules in Subchapter 14O are esthetician curriculum rules.

<u>Uniforms</u>	21	NCAC 14O .0101
Repeal/*		
<u>Course of Study</u>	21	NCAC 14O .0102
Repeal/*		
<u>Equipment and Instruments</u>	21	NCAC 14O .0103
Repeal/*		
<u>Services Performed</u>	21	NCAC 14O .0104
Repeal/*		
<u>Identification Pins</u>	21	NCAC 14O .0105
Repeal/*		

The rules in Subchapter 14P are civil penalty rules.

<u>Sanitary Ratings and Posting of Ratings - Applicable to E...</u>	21	NCAC 14P .0112
Repeal/*		

The rules in Subchapter 14S concern natural hair care curriculum.

<u>Uniform</u>	21	NCAC 14S .0101
Repeal/*		

<u>Time Requirements According to Hours</u> Repeal/*	21	NCAC 14S .0102
<u>Approved Field Trips</u> Repeal/*	21	NCAC 14S .0103
<u>Equipment for Beginner Department</u> Repeal/*	21	NCAC 14S .0104
<u>Storing and Labeling of Cosmetics</u> Repeal/*	21	NCAC 14S .0105
<u>Equipment</u> Repeal/*	21	NCAC 14S .0106
<u>Performances</u> Repeal/*	21	NCAC 14S .0107
<u>Students' Personal Supplies</u> Repeal/*	21	NCAC 14S .0108
<u>Tests</u> Repeal/*	21	NCAC 14S .0109
<u>Approval of Credit for Natural Hair Care Instruction/Anot...</u> Repeal/*	21	NCAC 14S .0110
<u>Services Performed</u> Repeal/*	21	NCAC 14S .0111
<u>Licensing of Natural Hair Care Specialists</u> Repeal/*	21	NCAC 14S .0112

The rules in Subchapter 14T concern cosmetic art schools including the scope of the rules and school applications (.0100); physical requirements for cosmetic art schools (.0200); school equipment and supplies (.0300); student equipment (.0400); record keeping (.0500); curricula for all cosmetic art disciplines (.0600); school licensure, operations, closing and relocating schools (.0700); school inspections (.0800); and disciplinary actions (.0900).

<u>Permanent Records, Forms and Documentation</u> Amend/*	21	NCAC 14T .0502
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DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

<u>Permitted Functions of Dental Assistant II</u> Amend/*	21	NCAC 16H .0203
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LANDSCAPE CONTRACTORS REGISTRATION BOARD

Chapter 28 contains rules for the Registration Board of Landscape Contractors including statutory and administrative provision (.0100); practice of landscape contractor (.0200); examination and licensing procedures (.0300); rules: petitions: hearings (.0400); declaratory rulings (.0500); administrative hearings: procedures (.0600).

<u>Authority: Name and Location of Board</u> Amend/*	21	NCAC 28 .0101
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OCCUPATIONAL THERAPY, BOARD OF

The rules in Chapter 38 cover organization and general provisions (.0100); application for license

(.0200); licensing (.0300); business conduct (.0400); provisions concerning rulemaking (.0500); administrative hearing procedures (.0600); professional corporations (.0700); continuing competence activity (.0800); supervision, supervisory roles, and clinical responsibilities of occupational therapists and occupational therapy assistants (.0900); supervision of limited permittees (.1000); and supervision of unlicensed personnel (.1100).

<u>License Number: Display of License</u> Amend/*	21	NCAC 38	.0301
<u>Continuing Competence Requirements for Licensure</u> Amend/**	21	NCAC 38	.0802

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

The rules in Chapter 63 deal with Social Work Certification including general rules (.0100); certification (.0200); examinations (.0300); renewal of certification (.0400); ethical guidelines (.0500); disciplinary procedures (.0600); adoption of rules (.0700); and professional corporations and limited liability companies.

<u>Renewal Fees</u> Amend/*	21	NCAC 63	.0403
<u>Required Reporting By Licensee of Changes to Board</u> Amend/*	21	NCAC 63	.0405
<u>Petitions for Adoption of Rules</u> Amend/*	21	NCAC 63	.0701
<u>Declaratory Rulings</u> Amend/*	21	NCAC 63	.0704