

Commission Review

Log of Permanent Rule Filings

January 21, 2021 through February 22, 2021

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

ENVIRONMENTAL QUALITY, DEPARTMENT OF

The rules in Chapter 41 are from the State Energy Office.

The rules in Subchapter 41C concern the energy improvement loan program including general provisions (.0100); loans (.0200); and technical analysis (.0300).

<u>Definitions</u>	01	NCAC 41C .0101
Readopt with Changes*		
<u>Eligibility</u>	01	NCAC 41C .0201
Readopt with Changes*		
<u>Criteria for Energy Conservation Loans</u>	01	NCAC 41C .0202
Readopt with Changes*		
<u>Loan Percentage and Conditions and Limitations</u>	01	NCAC 41C .0203
Readopt with Changes*		
<u>Pre-Application Conference</u>	01	NCAC 41C .0204
Readopt with Changes*		
<u>Application Procedures</u>	01	NCAC 41C .0205
Readopt with Changes*		
<u>Application Review</u>	01	NCAC 41C .0206
Readopt with Changes*		
<u>Loan Approval</u>	01	NCAC 41C .0207
Readopt with Changes*		
<u>Loan Agreement and Promissory Note</u>	01	NCAC 41C .0208
Readopt with Changes*		
<u>Reports</u>	01	NCAC 41C .0209
Readopt with Changes*		
<u>Monitoring</u>	01	NCAC 41C .0210
Readopt without Changes*		
<u>Default</u>	01	NCAC 41C .0211
Readopt with Changes*		
<u>Technical Analysis Required</u>	01	NCAC 41C .0301
Readopt with Changes*		
<u>Technical Analyst Disqualifications</u>	01	NCAC 41C .0302
Readopt with Changes*		
<u>Report Required</u>	01	NCAC 41C .0303
Readopt with Changes*		

The rules in Subchapter 41D concern the energy policy act credit and banking selling program including general provisions (.0100); credit banking and selling program provisions (.0200); proceeds and distribution (.0300); and reports (.0400).

<u>Purpose and Organization</u>	01	NCAC 41D .0101
Readopt without Changes*		
<u>Definitions</u>	01	NCAC 41D .0102

Readopt without Changes*

Banking 01 NCAC 41D .0201

Readopt without Changes*

Selling 01 NCAC 41D .0202

Readopt without Changes*

Proceeds and Distribution 01 NCAC 41D .0301

Readopt without Changes*

Fund Disbursements 01 NCAC 41D .0302

Readopt without Changes*

Reports 01 NCAC 41D .0401

Readopt without Changes*

The rules in Subchapter 12C concern organization.

Residential Conservation Service Program 04 NCAC 12C .0108

Readopt/Repeal*

The rules in Subchapter 12D concern petition for rulemaking and declaratory ruling.

Delegation of Authority for Rulemaking Hearings and State... 04 NCAC 12D .0101

Amend*

Submission and Content of Petition for Rulemaking 04 NCAC 12D .0102

Readopt with Changes*

Contents of Petition 04 NCAC 12D .0103

Readopt/Repeal*

Issuance of Declaratory Rulings 04 NCAC 12D .0116

Readopt with Changes*

Disposition of Requests for Declaratory Ruling 04 NCAC 12D .0117

Readopt with Changes*

Disposition of Petitions for Rulemaking 04 NCAC 12D .0132

Adopt*

Submission of Request for Declaratory Ruling 04 NCAC 12D .0133

Adopt*

MEDICAL CARE COMMISSION

The rules in Subchapter 13O deal with the registries maintained by the Department of Health and Human Services including the healthcare personnel registry (.0100); medication aide registry (.0200); nurse aide I registry (.0300).

Nurse Aide I Training and Competency Evaluation 10A NCAC 13O .0301

Amend*

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41A concern 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).

ALARM SYSTEMS LICENSING BOARD

The rules in Chapter 17 are from the N.C. Alarm Systems Licensing Board and cover the organization and general provisions (.0100); provisions for licensees (.0200); provisions for registrants (.0300); the recovery fund (.0400); and continuing education for licensees (.0500).

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).

The rules in Subchapter 7J concern procedures for handling major development permits, variance requests, appeals from minor development permit decisions and declaratory rulings. They include definitions (.0100); permit application and procedures (.0200); hearing procedures (.0300); final approval and enforcement (.0400); general permits (.0500); declaratory rulings and petitions for

rulemaking (.0600); procedures for considering variance petitions (.0700); general permit procedure (.1100); static vegetation line exception procedures (.1200); and development line procedures (.1300).

<u>Development Period/Commencement/Continuation</u>	15A NCAC 07J .0403
Readopt without Changes*	
<u>Development Period Extension</u>	15A NCAC 07J .0404
Readopt without Changes*	
<u>Permit Modification</u>	15A NCAC 07J .0405
Readopt without Changes*	
<u>Permit Issuance and Transfer</u>	15A NCAC 07J .0406
Readopt without Changes*	
<u>Project Maintenance: Major Development/Dredge and Fill</u>	15A NCAC 07J .0407
Readopt without Changes*	
<u>Civil Penalties</u>	15A NCAC 07J .0409
Readopt without Changes*	
<u>Restoration/Mitigation</u>	15A NCAC 07J .0410
Readopt without Changes*	

rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

<u>Structural Accessways Over Frontal Dunes Exempted</u>	15A NCAC 07K .0207
Readopt without Changes*	

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D).

The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

<u>Disinfection of Water Systems</u>	15A NCAC 18A .1724
Readopt with Changes*	
<u>Definitions</u>	15A NCAC 18A .3101
Readopt with Changes*	
<u>Lead Poisoning Hazard and Clearance Standard for Soil</u>	15A NCAC 18A .3105
Readopt with Changes*	
<u>Maintenance Standard</u>	15A NCAC 18A .3107
Readopt with Changes*	

Sample Collection
Readopt with Changes*

15A NCAC 18A .3802

BARBER EXAMINERS, BOARD OF

The rules in Subchapter 06F concern barber schools.

Barber School Curricula
Amend*

21 NCAC 06F .0120

Student Hours
Amend*

21 NCAC 06F .0124

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).

Emergency Extensions of Continuing Education Requirements...
Adopt*

21 NCAC 28B .0406

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).

Waiver of Requirements During Disaster or Emergency
Adopt*

21 NCAC 30 .0636

Waiver of Requirements During Disaster or Emergency
Adopt*

21 NCAC 30 .0704

MEDICAL BOARD

The rules in Subchapter 32B concern license to practice medicine including prescribing (.1000); general (.1300); resident's training license (.1400); faculty limited license (.1500); purpose license (.1600); other business (.1700); and expedited license for physician license (.2000).

COVID-19 Drug Preservation Rule
Adopt*

21 NCAC 32B .1708

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

COVID-19 Drug Preservation Rule
Adopt*

21 NCAC 32M .0119

FUNERAL SERVICE, BOARD OF

The rules in Subchapter 34B are funeral service rules including rules relating to resident trainees (.0100); examinations (.0200); licensing (.0300); continuing education (.0400); out-of-state licensees (.0500); funeral establishments (.0600); and preparation of dead bodies (.0700).

License Renewal Form
Amend*

21 NCAC 34B .0309

OPTICIANS, STATE BOARD OF

The rules in Chapter 40 are from the Board of Opticians and concern location (.0100); conduct of registrants (.0200); qualifications, applications, and licensing (.0300); and administrative hearings (.0400).

Waiver
Adopt*

21 NCAC 40 .0113

VETERINARY MEDICAL BOARD

The rules in Chapter 66 are from the Veterinary Medical Board including statutory and administrative provisions (.0100); practice of veterinary medicine (.0200); examination and licensing procedures (.0300); rules petitions hearings (.0400); declaratory rulings (.0500); administrative hearings procedures (.0600); administrative hearings decisions related rights (.0700) and judicial review (.0800).

Petition for Inactive Status
Amend*

21 NCAC 66 .0309

ADMINISTRATIVE HEARINGS, OFFICE OF

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100); mediated settlement conferences (.0200); simplified procedures for medicaid applicant and recipient repeals (.0400); and electronic filing (.0500).

General
Amend*

26 NCAC 03 .0502