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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**
Office of Administrative Hearings
Rules Division
1711 New Hope Church Road   (919) 431-3000
Raleigh, North Carolina 27609   (919) 431-3104 FAX
contact: Molly Masich, Codifier of Rules molly.masich@oah.nc.gov   (919) 431-3071
Dana Vojtko, Publications Coordinator dana.vojtko@oah.nc.gov   (919) 431-3075
Julie Edwards, Editorial Assistant julie.edwards@oah.nc.gov   (919) 431-3073
Tamara Chalmers, Editorial Assistant tammara.chalmers@oah.nc.gov   (919) 431-3083

**Rule Review and Legal Issues**
Rules Review Commission
1711 New Hope Church Road   (919) 431-3000
Raleigh, North Carolina 27609   (919) 431-3104 FAX
contact: Joe DeLuca Jr., Commission Counsel joe.deluca@oah.nc.gov   (919) 431-3081
Bobby Bryan, Commission Counsel bobby.bryan@oah.nc.gov   (919) 431-3079

**Fiscal Notes & Economic Analysis and Governor's Review**
Office of State Budget and Management
116 West Jones Street    (919) 807-4700
Raleigh, North Carolina 27603-8005    (919) 733-0640 FAX
Contact: Anca Grozav, Economic Analyst osbmruleanalysis@osbm.nc.gov   (919) 807-4740

NC Association of County Commissioners
215 North Dawson Street   (919) 715-2893
Raleigh, North Carolina 27603
contact: Rebecca Troutman rebecca.troutman@ncacc.org

NC League of Municipalities   (919) 715-4000
215 North Dawson Street
Raleigh, North Carolina 27603
contact: Erin L. Wynia ewynia@nclm.org

**Legislative Process Concerning Rule-making**
Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street    (919) 733-2578
Raleigh, North Carolina 27611    (919) 715-5460 FAX
contact: Karen Cochrane-Brown, Staff Attorney Karen.cochrane-brown@ncleg.net
Jeff Hudson, Staff Attorney Jeffry.hudson@ncleg.net
### FILING DEADLINES

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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:
(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.
EXECUTIVE ORDER NO. 110

PROCLAMATION OF A STATE OF DISASTER FOR DAVIDSON AND RANDOLPH COUNTIES

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes authorizes the issuance of a proclamation defining an area as a disaster area as defined in N.C.G.S. § 166A-6 and categorizing the disaster as a Type I, Type II or Type III disaster; and

WHEREAS, on November 16, 2011, the counties of Davidson and Randolph in North Carolina were impacted by a series of severe storms, including high winds, strong rain, hail, flooding and tornadoes; and

WHEREAS, as a result of the severe weather and tornadoes, Davidson County proclaimed a local state of emergency on November 16, 2011; and

WHEREAS, as a result of the severe weather and tornadoes, Randolph County proclaimed a local state of emergency on November 17, 2011; and

WHEREAS, a joint preliminary damage assessment was done by local, state and federal emergency management officials on November 18, 2011; and

WHEREAS, I have determined that a State of Disaster, as defined in N.C.G.S. §166A-6, exists in the State of North Carolina specifically in the counties of Davidson and Randolph; and

WHEREAS, pursuant to N.C.G.S. § 166A-6, the criteria for a Type I disaster are met if: (1) the Secretary of Crime Control and Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) the counties of Davidson and Randolph declared local states of emergency pursuant to N.C.G.S. § 166A-8; (3) the preliminary damage assessment has met or exceeded the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. Part 123; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and
WHEREAS, pursuant to N.C.G.S. § 166A-6.01, if a State of Disaster is proclaimed, the Governor may make State funds available for disaster assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens of the State in the disaster area.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, IT IS ORDERED:

Section 1. Pursuant to N.C.G.S. § 166A-6, a Type I State of Disaster is hereby declared for Davidson County and Randolph County.

Section 2. I authorize state disaster assistance in the form of individual assistance grants to eligible entities located within the disaster area that meet the terms and conditions under N.C.G.S. § 166A-6.01(b)(1).

Section 3. I hereby order this proclamation: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be promptly filed with the Secretary of Crime Control and Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) to be distributed to others as necessary to ensure proper implementation of this proclamation.

Section 4. This Type I Disaster Declaration shall expire 30 days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this nineteenth day of November in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-sixth.

Beverly Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State
U.S. Department of Justice  
Civil Rights Division

November 17, 2011

Deborah R. Stagner, Esq.  
Tharrington Smith  
P.O. Box 1151  
Raleigh, North Carolina 27602-1151

Dear Ms. Stagner:

This refers to the 2011 redistricting plan for the Union County School District in Union County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on September 21, 2011; additional information was received through November 8, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

T. Christian Herren, Jr.  
Chief, Voting Section
Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Division of Health Service Regulation intends to repeal the rules cited as 10A NCAC .0101-.0141, .0150, .0152-.0161, .0163-.0193, .0194-.0195, .0201-.0207, .0209-.0246, .0251-.0285, .0289, .0291-.0295.

Link to agency website pursuant to G.S. 150B-19.1(c): http://www.ncdhhs.gov/dhsr/ruleactions.html

Proposed Effective Date: April 1, 2012

Public Hearing:
Date: February 7, 2012
Time: 10:00 a.m.
Location: Room 131 Wright Building, NC Division of Health Service Regulation, Dorothea Dix Campus, 1201 Umstead Drive, Raleigh, NC 27603

Reason for Proposed Action: These rules are obsolete. Repeal of these rules is necessary because G.S. 150B excludes the State Medical Facilities Plan from within the definition of a rule.

Procedure by which a person can object to the agency on a proposed rule: An individual may object to the agency on the proposed rules by submitting written comments on the proposed rules. They may also object by attending the public hearing and personally voice their objections during that time.

Comments may be submitted to: Megan Lamphere, Division of Health Service Regulation, 2708 Mail Service Center, Raleigh, NC 27699-2708, fax (919)733-9379, email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: February 13, 2012

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Date submitted to OSBM:
- Substantial economic impact (≥$500,000)
- Approved by OSBM
- No fiscal note required

Note: The Codifier of Rules has determined that publication of the complete text of these rules proposed to be repealed is impractical (G.S. 150B-17(b)).

SUBCHAPTER 14B - SMFP

SECTION .0100 - PLANNING POLICIES AND NEED DETERMINATIONS FOR 1999 AND 2000

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10A NCAC 14B .0103 CERTIFICATE OF NEED REVIEW SCHEDULE
10A NCAC 14B .0104 MULTI-COUNTY GROUPINGS
10A NCAC 14B .0105 SERVICE AREAS AND PLANNING AREAS
10A NCAC 14B .0106 REALLOCATIONS AND ADJUSTMENTS
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10A NCAC 14B .0110 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)
10A NCAC 14B .0111 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0112 FIXED CARDIAC
CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)
10A NCAC 14B .0113 MOBILE CARDIAC CATHETERIZATION EQUIPMENT AND MOBILE CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)
10A NCAC 14B .0114 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY II)
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10A NCAC 14B .0118 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0119 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0120 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0121 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0122 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)
10A NCAC 14B .0123 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0124 DIALYSIS STATION NEED DETERMINATION
10A NCAC 14B .0125 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0126 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0127 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0128 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0129 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0130 POLICIES FOR GENERAL ACUTE CARE HOSPITALS
10A NCAC 14B .0131 POLICIES FOR INPATIENT REHABILITATION SERVICES
10A NCAC 14B .0132 POLICY FOR AMBULATORY SURGICAL FACILITIES
10A NCAC 14B .0133 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE
10A NCAC 14B .0134 POLICY FOR NURSING CARE BEDS IN CONTINUING CARE FACILITIES
10A NCAC 14B .0135 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES
10A NCAC 14B .0136 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS
10A NCAC 14B .0137 POLICY FOR HOME HEALTH SERVICES
10A NCAC 14B .0138 POLICY FOR END-STAGE RENAL DISEASE DIALYSIS SERVICES
10A NCAC 14B .0139 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES
10A NCAC 14B .0140 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES
10A NCAC 14B .0141 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED
Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).
10A NCAC 14B .0150 APPLICABILITY OF RULES RELATED TO THE 2000 STATE MEDICAL FACILITIES PLAN
Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).
10A NCAC 14B .0152 CERTIFICATE OF NEED REVIEW SCHEDULE
10A NCAC 14B .0153 MULTI-COUNTY GROUPINGS
10A NCAC 14B .0154 SERVICE AREAS AND PLANNING AREAS
10A NCAC 14B .0155 REALLOCATIONS AND ADJUSTMENTS
10A NCAC 14B .0156 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)
10A NCAC 14B .0157 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)
10A NCAC 14B .0158 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)
10A NCAC 14B .0159 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)
10A NCAC 14B .0160 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0161 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)
Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); 131E-183(1).
(REVIEW CATEGORY H)
10A NCAC 14B .0165 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0166 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0167 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0168 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0169 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0170 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0171 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION FOR PLANNING RADIATION ONCOLOGY TREATMENTS (REVIEW CATEGORY H)
10A NCAC 14B .0172 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)
10A NCAC 14B .0173 DEMONSTRATION PROJECT FOR CONTINUING CARE OF ADULTS WITH DEVELOPMENTAL DISABILITIES AND THEIR AGING CAREGIVERS (REVIEW CATEGORY J)
10A NCAC 14B .0174 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0175 DIALYSIS STATION NEED DETERMINATION METHODOLOGY
10A NCAC 14B .0176 DIALYSIS STATION ADJUSTED NEED DETERMINATION (REVIEW CATEGORY G)
10A NCAC 14B .0177 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0178 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0179 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0180 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0181 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0182 POLICIES FOR GENERAL ACUTE CARE HOSPITALS
10A NCAC 14B .0183 POLICIES FOR INPATIENT REHABILITATION SERVICES
10A NCAC 14B .0184 POLICY FOR AMBULATORY SURGICAL FACILITIES
10A NCAC 14B .0185 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE
10A NCAC 14B .0186 POLICY FOR PLANNING EXEMPTION FOR CONTINUING CARE RETIREMENT COMMUNITIES
10A NCAC 14B .0187 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES
10A NCAC 14B .0188 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS
10A NCAC 14B .0189 POLICIES FOR HOME HEALTH SERVICES
10A NCAC 14B .0190 POLICY FOR RELOCATION OF DIALYSIS STATIONS
10A NCAC 14B .0191 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES
10A NCAC 14B .0192 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES
10A NCAC 14B .0193 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

10A NCAC 14B .0194 EQUIPMENT NEED DETERMINATIONS FOR 1996 SMFP (REVIEW CATEGORY H)
10A NCAC 14B .0195 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS FOR 1996 SMFP (REVIEW CATEGORY H)

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

SECTION .0200 - PLANNING POLICIES AND NEED DETERMINATION FOR 2001 AND 2002

10A NCAC 14B .0201 APPLICABILITY OF RULES RELATED TO THE 2001 STATE MEDICAL FACILITIES PLAN
10A NCAC 14B .0202 CERTIFICATE OF NEED REVIEW SCHEDULE
10A NCAC 14B .0203 MULTI-COUNTY GROUPINGS
10A NCAC 14B .0204 SERVICE AREAS AND PLANNING AREAS
10A NCAC 14B .0205 REALLOCATIONS AND ADJUSTMENTS
10A NCAC 14B .0206 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)
10A NCAC 14B .0207 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); 131E-183(1).

10A NCAC 14B .0209 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)
10A NCAC 14B .0210 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0211 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATIONS (REVIEW CATEGORY H)
10A NCAC 14B .0212 SHARED FIXED CARDIAC
CATHETORIZATION EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0213 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0214 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0215 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0216 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0217 GAMMA KNIFE UNIT NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0218 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0219 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0220 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION BASED ON FIXED MRI SCANNER UTILIZATION (REVIEW CATEGORY H)
10A NCAC 14B .0221 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION BASED ON MOBILE MRI SCANNER UTILIZATION (REVIEW CATEGORY H)
10A NCAC 14B .0222 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)
10A NCAC 14B .0223 MEDICARE-CERTIFIED HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0224 DIALYSIS NEED DETERMINATION METHODOLOGY FOR REVIEWS BEGINNING JANUARY 1, 2001
10A NCAC 14B .0225 DIALYSIS STATION NEED DETERMINATION METHODOLOGY FOR REVIEWS BEGINNING SEPTEMBER 1, 2001
10A NCAC 14B .0226 HOSPICE CARE BED NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0227 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0228 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0229 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0230 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) ADULT DETOX-ONLY BED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0231 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0232 POLICIES FOR GENERAL ACUTE CARE HOSPITALS
10A NCAC 14B .0233 POLICIES FOR CARDIAC CATHETERIZATION EQUIPMENT AND SERVICES
10A NCAC 14B .0234 POLICIES FOR TRANSPLANTATION SERVICES
10A NCAC 14B .0235 POLICY FOR MRI SCANNERS
10A NCAC 14B .0236 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM CARE NURSING CARE
10A NCAC 14B .0237 POLICY FOR PLAN EXEMPTION FOR CONTINUING CARE RETIREMENT COMMUNITIES
10A NCAC 14B .0238 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES
10A NCAC 14B .0239 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS
10A NCAC 14B .0240 POLICY FOR TRANSFER OF BEDS FROM STATE PSYCHIATRIC HOSPITAL NURSING FACILITIES TO COMMUNITY FACILITIES
10A NCAC 14B .0241 POLICIES FOR RELOCATION OF NURSING FACILITY BEDS
10A NCAC 14B .0242 POLICIES FOR MEDICARE-CERTIFIED HOME HEALTH SERVICES
10A NCAC 14B .0243 POLICY FOR RELOCATION OF DIALYSIS STATIONS
10A NCAC 14B .0244 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES
10A NCAC 14B .0245 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES
10A NCAC 14B .0246 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED
10A NCAC 14B .0247 POLICY FOR GENERAL ACUTE CARE HOSPITALS

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).
CATHETERIZATION/ANGIOPLASTY EQUIPMENT
NEED DETERMINATIONS
(REVIEW CATEGORY H)
10A NCAC 14B .0262 SHARED FIXED CARDIAC
CATHETERIZATION/ANGIOPLASTY EQUIPMENT
NEED DETERMINATION
(REVIEW CATEGORY H)
10A NCAC 14B .0263 BURN INTENSIVE CARE
SERVICES NEED DETERMINATION (REVIEW
CATEGORY H)
10A NCAC 14B .0264 BONE MARROW
TRANSPLANTATION SERVICES NEED
DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0265 SOLID ORGAN
TRANSPLANTATION SERVICES NEED
DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0266 GAMMA KNIFE NEED
DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0267 LITHOTRIPTER NEED
DETERMINATION (REVIEW CATEGORY H)
10A NCAC 14B .0268 RADIATION ONCOLOGY
TREATMENT CENTERS NEED DETERMINATION
(REVIEW CATEGORY H)
10A NCAC 14B .0269 POSITRON EMISSION
TOMOGRAPHY SCANNERS NEED DETERMINATION
(REVIEW CATEGORY H)
10A NCAC 14B .0270 FIXED MAGNETIC
RESONANCE IMAGING SCANNERS NEED
DETERMINATION BASED ON FIXED MRI SCANNER
UTILIZATION (REVIEW CATEGORY H)
10A NCAC 14B .0271 MAGNETIC RESONANCE
IMAGING SCANNERS NEED DETERMINATION FOR A
DEDICATED FIXED BREAST MRI SCANNER (REVIEW
CATEGORY H)
10A NCAC 14B .0272 FIXED MAGNETIC
RESONANCE IMAGING SCANNERS NEED
DETERMINATION BASED ON
MOBILE MRI SCANNER UTILIZATION (REVIEW
CATEGORY H)
10A NCAC 14B .0273 NURSING CARE BED NEED
DETERMINATION (REVIEW CATEGORY B)
10A NCAC 14B .0274 ADULT CARE HOME BED
NEED DETERMINATION (REVIEW CATEGORY B)
10A NCAC 14B .0275 MEDICARE-CERTIFIED HOME
HEALTH AGENCY OFFICE NEED DETERMINATION
(REVIEW CATEGORY F)
10A NCAC 14B .0276 DIALYSIS STATION NEED
DETERMINATION METHODOLOGY FOR REVIEWS
BEGINNING APRIL 1, 2002
10A NCAC 14B .0277 DIALYSIS STATION NEED
DETERMINATION METHODOLOGY FOR REVIEWS
BEGINNING OCTOBER 1, 2002
10A NCAC 14B .0278 HOSPICE HOME CARE BED
NEED DETERMINATION (REVIEW CATEGORY F)
10A NCAC 14B .0279 SINGLE COUNTY HOSPICE
INPATIENT BED NEED DETERMINATION (REVIEW
CATEGORY F)
10A NCAC 14B .0280 CONTIGUOUS COUNTY
HOSPICE INPATIENT BED NEED DETERMINATION
(REVIEW CATEGORY F)
10A NCAC 14B .0281 PSYCHIATRIC BED NEED
DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0282 CHEMICAL DEPENDENCY
(SUBSTANCE ABUSE) TREATMENT BED NEED
DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0283 CHEMICAL DEPENDENCY
(SUBSTANCE ABUSE) ADULT DETOX-ONLY BED
NEED DETERMINATION (REVIEW CATEGORY C)
10A NCAC 14B .0284 INTERMEDIATE CARE BEDS
FOR THE MENTALLY RETARDED NEED
DETERMINATION (REVIEW
CATEGORY C)
10A NCAC 14B .0285 POLICIES FOR GENERAL
ACUTE CARE HOSPITALS

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); 131E-183(1).

10A NCAC 14B .0289 POLICIES FOR NURSING CARE
FACILITIES

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

10A NCAC 14B .0291 POLICIES FOR MEDICARE-
CERTIFIED HOME HEALTH SERVICES
10A NCAC 14B .0292 POLICY FOR RELOCATION OF
DIALYSIS STATIONS
10A NCAC 14B .0293 POLICIES FOR PSYCHIATRIC
INPATIENT FACILITIES
10A NCAC 14B .0294 POLICY FOR CHEMICAL
DEPENDENCY TREATMENT FACILITIES
10A NCAC 14B .0295 POLICIES FOR
INTERMEDIATE CARE FACILITIES FOR MENTALLY
RETARDED

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 12 NCAC 07D .0201, .0203, .0701, .0706, .0801, .0806, .0806, .0902.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncdoj.gov

Proposed Effective Date: April 1, 2012

Public Hearing:
Date: December 30, 2011
Time: 2:00 p.m.
Location: 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612
Reason for Proposed Action: These proposed changes are to update the photograph requirements to require digital photographs and to ensure that applicants are fiscally responsible.

Procedure by which a person can object to the agency on a proposed rule: Objections to the proposed rule changes shall be submitted before the end of the comment period in writing to Anthony Bonapart, Deputy Director, Private Protective Services Board, 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612.

Comments may be submitted to: Anthony Bonapart, PPSB Deputy Director, 4901 Glenwood Avenue, Raleigh, NC 27612

Comment period ends: February 13, 2012

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

☒ State funds affected
☒ Environmental permitting of DOT affected
☒ Analysis submitted to Board of Transportation
☐ Local funds affected
☒ Date submitted to OSBM:
☐ Substantial economic impact (≥$500,000)
☒ Approved by OSBM
☐ No fiscal note required

SUBCHAPTER 07D - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

12 NCAC 07D .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

(1) two sets of classifiable fingerprints on an applicant fingerprint card;
(2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size, taken within six months prior to submission; and
(3) certified statement of the result of a criminal history records search by the appropriate governmental authority housing criminal record information or clerk of superior court in each county where the applicant has resided within the immediately preceding 60 months;
(4) the applicant's non-refundable application fee; and
(5) actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board; and
(6) an Equifax credit check run within 30 days of the license application submission date.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor.

(c) Private investigator trainees applying for a license must make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must provide evidence of high school graduation either by diploma, G.E.D. certificate, or other acceptable proof.

(e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee; the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules during the personal meeting. The applicant shall sign a form provided by the Board indicating that they have reviewed the information with the Board's representative and that they have an understanding of G.S. 74C and the administrative rules.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1.
(2) statements of the result of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediate preceding 12 months or a criminal record check from a third party criminal record check provider; and

(3) the applicant's renewal fee; and

(4) proof of liability insurance as set out in G.S. 74C-10(e).

(b) If a licensee in good standing with the Board has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

(1) an Application For Reinstatement of an Expired License;

(2) one set of classifiable fingerprints on an applicant fingerprint card;

(3) one head and shoulders photograph(s) of the applicant of a quality sufficient for identification, one inch by one inch in size and taken within six months of the application;

(4) statements of the result of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediate preceding 60 months or a criminal record check from a third party criminal record check provider;

(5) the applicant's non-refundable application fee;

(6) proof of liability insurance as set out in G.S. 74C-10(e); and

(7) a separate check or money order made payable to the State Bureau of Investigations to over criminal record checks performed by the State Bureau of Investigations.

(c) Members of the armed forces whose license is in good standing and to whom G.S. 105-249 grants an extension of time to file a tax return are granted an extension of time of six months prior to submission; the employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card which shall be carried by the applicant when he is within the scope of his employment and which shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 7D .0707 shall be submitted to the Director with the application.

(e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8; 74C-9.

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

12 NCAC 07D .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his designee shall submit and sign an application form for the registration of each employee to the Board. This form shall be accompanied by:

(1) two recent head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size; taken within six months prior to submission; submission and submitted preferably by e-mail to PPSASL-Photos@ncdoj.gov, by compact disc, or on a 3.5 floppy diskette;

(2) certified statement of the result of a criminal records search from the appropriate governmental authority housing criminal record information or clerk of superior court in each area where the applicant has resided within the immediately preceding 48 months;

(3) the applicant's non-refundable registration fee; and

(4) actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employers' office.

(c) The applicant's copy of the application shall serve as a temporary registration card which shall be carried by the applicant when he is within the scope of his employment and which shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 7D .0707 shall be submitted to the Director with the application.

(e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8.1; 74C-11.

12 NCAC 07D .0706 RENEWAL OR REISSUE OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his employer, shall complete a form provided by the Board. This form shall be submitted not less than 30 days prior to the expiration of the applicant's current registration and shall be accompanied by:

(1) two recent head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size; taken within six months prior to submission; submission and submitted preferably by e-mail to PPSASL-Photos@ncdoj.gov, by compact disc, or on a 3.5 floppy diskette;

(2) statements of any criminal record obtained from the appropriate authority in each area where the applicant has resided within the immediate preceding 12 months or a criminal
record shall give the applicant a copy of the application which
accompanied by:
(a) Each applicant for renewal of an armed security guard
firearm registration permit identification card shall complete, and his employer shall sign a form provided by the Board. This form shall be submitted to the Board and accompanied by:
(1) two recent head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size; and
(2) the applicant's renewal fee.
(b) Each applicant for reissue of a registration identification card shall complete, and his employer shall sign a form provided by the Board. This form shall be submitted to the Board and accompanied by:
(1) two recent head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size; and
(2) the applicant's reissue fee.
(c) The employer of each applicant for a registration renewal or reissue will serve as a record of application for renewal or reissue and shall retain a copy of the application in the individual's personnel file in the employer's office.
(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Board must be furnished to the Board.

Authority G.S. 74C-5; 74C-11.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

12 NCAC 07D .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each armed security guard employer or his designee shall submit and sign an application form for the registration of each armed security guard applicant to the Board. This form shall be accompanied by:
(1) two sets of classifiable fingerprints on an applicant fingerprint card;
(2) two head and shoulders color digital photographs of the applicant in JPG format of sufficient quality for identification, one inch by one inch in size; and
(3) certified statement of the result of a criminal records search from the clerk of superior court in each county where the applicant has resided within the immediate preceding 48 months. If the applicant has resided out of state within the immediate preceding 48 months, the applicant shall provide a certified statement of the result of a criminal record information search from the appropriate governmental authority housing criminal record information in each area where the applicant has resided within the immediate preceding 48 months.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The employer of each applicant for a registration renewal or reissue will serve as a record of application for renewal or reissue and which shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the contract security company or proprietary security organization has obtained prior approval from the Director. The Director shall grant prior approval if the contract security company or proprietary security organization provides proof satisfactory to the Director that the applicant has received prior firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

Authority G.S. 74C-5; 74 C-9; 74C-13.

12 NCAC 07D .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days nor less than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:
(1) two recent head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, one inch by one inch in size; and
(2) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807; and
(3) a certification by the applicant that he or she is of sufficient quality for identification, one inch in size; and
(4) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807; and
(5) a certification by the applicant that he or she is at least 21 years of age.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The employer of each applicant for a registration renewal or reissue will serve as a record of application for renewal or reissue and shall retain a copy of the application in the individual's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-9; 74C-13.
months or a criminal record check from a third party criminal record check provider;
(3) the applicant's renewal fee; and
(4) actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application which will serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

Authority G.S. 74C-5; 74C-11; 74C-13.

12 NCAC 07D .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE
Each applicant for a firearms trainer certificate shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

(1) two sets of classifiable fingerprints on an applicant fingerprint card;
(2) one recent head and shoulders color digital photograph of the applicant in JPG format of adequate quality for identification, one inch by one inch in size, taken within six months prior to submission and submitted preferably by e-mail to PPSASL-Photos@ncdoj.gov, by compact disc, or on a 3.5 floppy diskette;
(3) certified statement of the result of a criminal history records search by the appropriate governmental authority housing criminal record information or clerk of superior court in each county where the applicant has resided within the immediate preceding 60 months;
(4) actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board;
(5) the applicant's non-refundable registration fee; and
(6) a certificate of successful completion of the training required by 12 NCAC 07D .0901(3) and (4). This training shall have been completed within 60 days of the submission of the application; and
(7) actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and collected by the Private Protective Services Board.

Authority G.S. 74C-5; 74C-13.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 29 - LOCKSMITH LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Locksmith Licensing Board intends to amend the rules cited as 21 NCAC 29 .0503, .0802 and repeal the rule cited as 21 NCAC 29 .0405.

Link to agency website pursuant to G.S. 150B-19.1(c): www.nclocksmithboard.org

Proposed Effective Date: April 1, 2012

Public Hearing:
Date: February 13, 2012
Time: 11:00 A.M.
Location: 11 Glenwood Ave., Raleigh, NC 27603

Reason for Proposed Action:
21 NCAC 29 .0405 – The Board seeks to eliminate exam exemptions.
21 NCAC 29 .0503 – The Board seeks to remove redundant requirement not applying to modern locks.
21 NCAC 29 .0802 – The Board seeks to amend requirements of the older locksmiths.

Procedure by which a person can object to the agency on a proposed rule: (1) Submit comment via website www.nclocksmithboard.org. (2) Contact Board in writing to P. O. Box 10972, Raleigh, NC 27605.

Comments may be submitted to: Barden Culbreth, P. O. Box 10972, Raleigh, NC 27605; phone (919) 838-8782; email barden@recanc.com

Comment period ends: February 13, 2012

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting
review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected
☐ Date submitted to OSBM:
☐ Substantial economic impact (≥$500,000)
☐ Approved by OSBM
☐ No fiscal note required

SECTION .0400 - LICENSING REQUIREMENTS

21 NCAC 29 .0405 EXEMPTION FROM EXAMINATION

Any applicant who has achieved at least a Certified Registered Locksmith (CRL) designation from the Associated Locksmiths of America (ALOA), upon submitting proof to the Board of such qualification, shall be deemed to have passed the competency portion of the qualifying examination administered by the Board. Such applicants are required to pass the portion of the examination testing understanding of the Statute and the obligations of licensed locksmiths.

Authority G.S. 74F-6.

SECTION .0500 - CODE OF ETHICS

21 NCAC 29 .0503 PROTECTION OF THE PUBLIC INTEREST

(a) Locksmiths shall refrain from allowing their specialized skills, knowledge, or access to tools and information to be used in any manner that puts the safety and security of the public at risk.

(b) In the event that the locksmith suspects wrongful intent or misrepresentation by a potential client, the locksmith shall refuse service and shall immediately notify the law enforcement agency with jurisdiction.

(c) Locksmiths shall not knowingly infringe a restricted key system.

(d) Locksmiths shall record the identity of the customer for all service calls in which the locksmith opens a vehicle, building, room or secured container, or originates a key or in any other fashion provides the customer with access to any such property.

(e) Locksmiths shall not supply an existing key or combination for an architectural lock without verifying the identity and authority of the client to have it. This Paragraph applies to off-site (shop) service as well as on-site service. Unless the locksmith can verify the origin of the lock and the authority of the client to obtain the requested key or combination, the locksmith shall refuse to supply an original key or combination to the lock.

(f) Locksmiths shall endeavor to install all locking devices in compliance with all relevant codes, such as Uniform Building Code, National Fire Protection Association, and Americans with Disabilities Act and any local codes or ordinances which regulate architectural hardware. Locksmiths shall in all cases refuse to install a locking device which produces a threat to life safety. If such a (pre-existing) condition is encountered, the locksmith shall immediately inform the client and recommend appropriate remedial action.

(g) Locksmiths shall not become a party to disputes of ownership or authority. When an authorization dispute is deemed likely to arise, the locksmith shall advise the law enforcement agency having jurisdiction and request the presence of a uniformed officer. The locksmith shall refuse to provide service when there is an unresolved dispute of ownership or authority. Only Instructions from a uniformed law enforcement officer or a court order shall be accepted as resolution of any such dispute.

(h) Locksmiths shall not knowingly interfere with the maintenance of a master key system. When master keyed cylinders are encountered, the key presented without its corresponding master key shall be presumed to be a subordinate key until otherwise determined. An attempt must be made to determine the holder of the master key and seek authorization for cylinder changes or key origination before such service is performed.

(i) Locksmiths shall keep key bitting arrays, file keys and all client information confidential. Locksmiths shall not release any information or security device, such as a master key or safe combination, to any person without verifying that the recipient is entitled to receive it.

Authority G.S. 74F-6.

SECTION .0800 - CONTINUING EDUCATION

21 NCAC 29 .0802 REQUIREMENTS

(a) Every licensee shall obtain 24 contact hours during each 3-year renewal cycle, except:

(1) Persons exempted from eight contact hours in Rule .0805 of this Section; and

(2) Persons applying for renewal of licenses which expire on or before June 30, 2006 shall have at least eight contact hours of continuing education.

(3) Persons applying for renewal of licenses which expire between July 1, 2006 and June 30, 2007 shall have at least 16 contact hours of continuing education.

(2) Persons who:

(A) are 62 years of age;

(B) have 15 years of experience as locksmiths;

(C) have been a North Carolina licensed locksmith for at least nine years; and

(D) are not subject to an investigation by the Locksmith Licensing Board.
(b) The contact hours shall be in technical and professional subjects directly related to the practice of locksmithing.
(c) Licensees shall not carry forward any contact hours into the subsequent renewal period.

(d) Licensees shall verify completion of the contact hours for the previous license period with their application for license renewal.

Authority G.S. 74F-6.
TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: Commission for Public Health

Rule Citation: 10A NCAC 41A .0106

Effective Date: November 30, 2011

Date Approved by the Rules Review Commission: November 17, 2011

Reason for Action: The effective date of a recent act of the General Assembly or of the U.S. Congress. On June 27, 2011, Governor Purdue signed into law House Bill 809 (G.S. 130A-150) which requires the Department of Health and Human Services, in collaboration with the state Healthcare-Associated Infections Advisory Group, to implement a mandatory statewide surveillance system for healthcare-associated infections by December 31, 2011. The Statute authorizes the Commission for Public Health to adopt rules for the implementation of the mandatory statewide HAI reporting system.

CHAPTER 41 – HEALTH: EPIDEMIOLOGY

SUBCHAPTER 41A – COMMUNICABLE DISEASE CONTROL

SECTION .0100 – REPORTING OF COMMUNICABLE DISEASES

10A NCAC 41A .0106 REPORTING OF HEALTH-CARE-ASSOCIATED INFECTIONS

(a) The following definitions apply throughout this Rule:

(1) "Hospital" means any facility designated as such in G.S. 131E-76(3).

(2) "National Healthcare Safety Network" is an internet-based surveillance system managed by the Centers for Disease Control and Prevention. This system is designed to be used for the direct, standardized reporting of healthcare quality information, including healthcare-associated infections, by health care facilities to public health entities.

(3) "Health care-associated infection" means a localized or systemic condition resulting from an adverse reaction to the presence of an infectious agent(s) or its toxin(s) with no evidence that the infection was present or incubating at the time of admission to the health care setting.

(4) "Electronic surveillance system" means an electronic platform which has the capability to collect, manipulate, store, analyze or transmit electronic health data which may be used for surveillance of health care-associated infections.

(5) "Denominator or summary data" refers to referent or baseline data required to generate meaningful statistics for communicating health care-associated infection rates.

(b) The department shall encourage hospitals to implement electronic surveillance systems to monitor and collect information on health care-associated infections within their facilities for use in periodic reporting.

(c) Hospitals shall electronically report all health care-associated infections required by Paragraph (d) of this Rule through the National Healthcare Safety Network and shall make these data available to the Department.

(1) Report all specified health care-associated infections within 30 days following the end of every calendar month during which the infection occurred;

(2) Report all required health care-associated infection denominator or summary data for health care-associated infections within 30 days following the end of every calendar month;

(b) Hospitals shall electronically report all health care-associated infections required by Paragraph (d) of this Rule through the National Healthcare Safety Network and shall make these data available to the Department.

(c) Hospitals shall electronically report all health care-associated infections required by Paragraph (d) of this Rule through the National Healthcare Safety Network and shall make these data available to the Department.

(d) Hospitals shall comply with all reporting requirements for general participation in the National Healthcare Safety Network.

(1) Report all specified health care-associated infections within 30 days following the end of every calendar month during which the infection occurred;

(2) Report all required health care-associated infection denominator or summary data for health care-associated infections within 30 days following the end of every calendar month;

(3) Comply with all reporting requirements for general participation in the National Healthcare Safety Network.
(c) Except as provided in rules of this Section, hospitals shall report the healthcare-associated infections required by the Centers for Medicare and Medicaid Services listed in the CMS-IPPS rules beginning on the dates specified therein. The CMS-IPPS rules are hereby incorporated by reference including subsequent amendments and editions. A current copy of the CMS-IPPS rules may be obtained through the CMS-IPPS website at http://www.cms.gov/AcuteInpatientPPS/. A copy of the current CMS-IPPS rules, applicable to this section, is available for inspection in the Division of Public Health, 225 N. McDowell Street, Raleigh NC 27601.

(d) Beginning October 1, 2012 and quarterly thereafter, the Department shall release reports to the public on healthcare-associated infection(s) in North Carolina.

History Note: Authority G.S. 130A-150; Temporary Adoption Eff. November 30, 2011.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: Commission for Public Health

Rule Citation: 15A NCAC 18A .2528

Effective Date: November 30, 2011

Date Approved by the Rules Review Commission: November 17, 2011

Reason for Action: The effective date of a recent act of the General Assembly or of the U.S. Congress. S.L. 2011-39 requires that Rule .2528 FENCES be amended to relieve owners of public swimming pools of the potential expense of upgrading existing pool fences to meet current safety standards.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2500 - PUBLIC SWIMMING POOLS

15A NCAC 18A .2528  FENCES

(a) Public Swimming pools shall be completely enclosed by a fence, wall, building, or other enclosure, or any combination thereof, which encloses the swimming pool area such that all of the following conditions are met:

1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier that faces away from the swimming pool;

2. Openings in the barrier shall not allow passage of a four-inch-diameter sphere and shall provide no external handholds or footholds. Solid barriers that do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints;

3. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between the vertical members shall not exceed four inches. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between the vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;

5. Maximum mesh size for chain link fences shall be a 2.25 inch square unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to no more than 1.75 inches;

6. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches;

7. Access gates shall comply with the dimensional requirements for fences and shall be equipped to accommodate a locking device. Effective April 1, 2011, pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device except where a gate attendant and lifeguard are on duty. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall require the use of a key, combination or card reader to open or shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within 18 inches of the release mechanism; and

8. Ground level doors and windows opening from occupied buildings to inside the pool enclosure shall be self-closing or child protected by means of a barrier or audible alarm.

(b) Public swimming pool fences constructed prior to May 1, 2010 may vary from the provisions of Paragraph (a) of this Rule as follows:
the maximum vertical clearance between grade and the bottom of the barrier may exceed two inches, but shall not exceed four inches;

(2) where the barrier is composed of vertical and horizontal members and the space between vertical members exceeds 1.75 inches, the distance between the tops of the bottom horizontal member and the next higher horizontal member may be less than 45 inches, but shall not be less than 30 inches;

(3) gates other than pedestrian access gates are not required to have self-latching devices if the gates are kept locked; and

(4) gates may swing towards a pool where natural topography, landscape position or emergency egress requirements prevent gates from swinging away from the pool.

(c) Public swimming pools permitted prior to April 1, 2010 with existing fences that do not comply with the dimensional requirements of Subparagraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) of this Rule shall not be denied an operation permit solely due to the preexisting non-compliance. Operation permits shall be denied to an owner or operator that fails to comply with these provisions when:

1. at least 50 percent of the fence has been damaged or destroyed; or
2. the owner or operator elects to replace the fence.

History Note: Authority G.S. 130A-282; Eff. May 1, 1991; Amended Eff. April 1, 2012; May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992. Temporary Amendment Eff. November 30, 2011.
This Section contains information for the meeting of the Rules Review Commission on Thursday December 15, 2011 10:00 a.m. at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

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<tr>
<th>Appointed by Senate</th>
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<tr>
<td>Addison Bell</td>
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<td>Margaret Currin</td>
<td>Curtis Venable</td>
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<td>Pete Osborne</td>
<td>George Lucier</td>
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<td>Bob Rippy</td>
<td>Garth K. Dunklin</td>
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<td>Faylene Whitaker</td>
<td>Stephanie Simpson</td>
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COMMISSION COUNSEL

Joe Deluca (919)431-3081
Bobby Bryan (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

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RULES REVIEW COMMISSION

November 17, 2011
MINUTES

The Rules Review Commission met on Thursday, November 17, 2011, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Margaret Currin, George Lucier, Pete Osborne, Stephanie Simpson, Ralph Walker and Faylene Whitaker. Commissioner Venable joined via Skype.

Staff members present were: Joe Deluca and Bobby Bryan, Commission Counsel; Dana Vojtko, Julie Edwards and Tammara Chalmers.

RULES REVIEW COMMISSION PUBLIC HEARING

The meeting was called to order at 10:02 a.m. with Judge Walker presiding.

Chairman Walker immediately opened a portion of the meeting for a public hearing on the proposed amendment to Rule 26 NCAC 05 .0108 and the proposed adoption of Rule .0114. Chairman Walker called on anyone present who wished to comment on or object to the adoption of 26 NCAC 05 .0114 and the amendment of 26 NCAC 05 .0108 as they were noticed in the NC Register. Tom Miller, Carolyn Bakewell and Nick Fountain made their comments before the Commission. The Rules Review Commission has thus far received two written comments on Rule .0108. These comments will become part of the rulemaking record. The period to receive comments will expire at 5:00 p.m., January 3, 2012. The Commission may vote on the adoption of 26 NCAC 05 .0114 and the amendment of 26 NCAC 05 .0108 at its regularly scheduled meeting in January.

The public hearing portion of the meeting was closed about 10:15 a.m.

Chairman Walker then reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e).

APPROVAL OF MINUTES

Chairman Walker asked for any discussion, comments, or corrections concerning the minutes of the October 20, 2011 meeting. There were none and the minutes were approved as distributed.

FOLLOW-UP MATTERS
04 NCAC 02R .1711 – Alcoholic Beverage Control Commission. The Commission approved the rewritten rule submitted by the agency.

04 NCAC 03C .0807, .1001; 16A .0101, .0105, .0201, .0202, .0401, .0402, .0403, .0405, .0407, .0409; 16C .0102, .0103, .0202, .0203, .0304, .0305; 16D .0103, .0301, .0407, .0901, .0902; 16E .0104, .0301, .0405, .0702; 16F .0105, .0108, .0109, .0111, .0112, .0113 – Office of the Commissioner of Banks. The Commission approved the rules submitted by the agency with the technical changes.

04 NCAC 16A .0301, .0302 – Office of Commissioner of Banks. The Commission approved the rewritten rules submitted by the agency.

10A NCAC 10 .0102, .0308, .0309, .0310, .0311, .0312, .0506 – Social Services Commission. The Commission approved the rewritten rules submitted by the agency. Kim Miller addressed the Commission.

10A NCAC 10 .0203 – Social Services Commission. No action was taken.

21 NCAC 25 .0209 – Interpreter and Transliterator Licensing Board - The Commission approved the rewritten rule submitted by the agency.

21 NCAC 32R .0106 – Medical Board. The rule was returned to the agency at the agency's request.

2012 Fuel Gas Code – Sections 311.1 and 311.2 – Building Code Council. The Commission objected to these rules based on lack of authority. There is no authority to require carbon monoxide alarms in all the new construction and existing dwellings covered by this rule. The scope or coverage of this rule is too broad. The statutory authority extends to only dwellings “having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having an attached garage” (G.S. 143-138(b2)). These two rules appear to extend that requirement to all dwellings covered under this portion of the building code, including those who do not have either a fossil-fuel burning heater, appliance, fireplace or an attached garage.

2012 Mechanical Code – Sections 313.1 and 313.2 – Building Code Council. The Commission objected to these rules for the same reasons it objected to the previous rule.

2012 Plumbing Code – Sections 315.1 and 315.2 – Building Code Council. The Commission objected to these rules for the same reasons it objected to the previous rules.

2009 Residential Code – Sections 313.1.1 and 313.1.2 – Building Code Council. The Commission objected to these rules for the same reasons it objected to the previous rules.

2012 Residential Code – Sections 311.1 and 311.2 – Building Code Council. The Commission objected to these rules for the same reasons it objected to the previous rules.

Barry Gupton with the Building Code Council addressed the Commission.

LOG OF FILINGS
Chairman Walker presided over the review of the log of permanent rules.

Board of Agriculture
02 NCAC 43H .0102 – The rule was approved unanimously. Commissioner Osborne was not present during the vote.

Plant Conservation Board
02 NCAC 48F .0305 – The Commission approved the technical change to this rule in paragraph (c)(4) and took no action concerning the change to paragraph (d)(6) which was a legislatively mandated change and outside the scope of the Commission’s reviewing action. The rule is legislatively subject to legislative review with a delayed effective date. Ray Starling from Department of Agriculture addressed the Commission.

Child Care Commission
10A NCAC 09 .0102 - The Commission objected to this Rule based on ambiguity. In item (16)(b) page 2 line 35 it is unclear what constitutes “healthy air quality.” The rule refers to the “Air Quality Color Guide” found on the division’s web site. However it is not clear whether the agency means only weather color coded as “good” (green) in the far left hand column or would also include the category of “moderate” or even “unhealthy for certain groups.” In item (20) page 3 it is unclear what constitutes the “equivalent” of
the N.C. Early Educator Certification. There are other rules, e.g. Rule .2819(b)(3)(A), that require having this certification “or its equivalent.” Since that equivalency occurs in more than one place it seems as if the standard(s) should be provided here. Note that in item (3) of this rule on page 1 at lines 15-16 the agency did define what would establish an equivalency standard for “Basic School-Age Care” training (BSAC training). It seems they should do the same here. It is likewise unclear if there is any definition at all for the “N.C. Early Childhood Administration Credential” or the standard for “its equivalent,” both of which are referred to in Rule .2819(b)(1)(A); or for “early childhood” as referred to in Rule .2819(b)(1)(B).

10A NCAC 09 .2819 - The Commission objected to this Rule based on ambiguity. The rule is difficult to follow and unclear in determining the standards that set each “point level” apart. [The rule establishes seven “point levels” to distinguish the level to which the various child care centers can aspire.] The rule is especially difficult to follow in the last sub-sub-paragraphs and the requirements are unclear because they are formatted as lengthy run-on sentences with confusing semicolons and commas rather than formatted as lists. To cite one example: In (d)(5)(B) page 4 lines 20 – 31 it is not clear what the varying alternatives are for the program coordinator to satisfy, especially the hours of experience that are required to meet each alternative. As in the previous rule it is also unclear if there is any definition at all for the “N.C. Early Childhood Administration Credential” or the standard for “its equivalent,” both of which are referred to in Rule .2819(b)(1)(A); or for “early childhood” as referred to in Rule .2819(b)(1)(B).

10A NCAC 09 .2820 - The Commission objected to this Rule based on ambiguity for the same reasons as in the previous rule. The rule is difficult to follow and unclear in determining the standards that set each “point level” apart. As in the previous rule it is also unclear if there is any definition at all for the “N.C. Early Childhood Administration Credential” or the standard for “its equivalent,” as used throughout this rule beginning in (c)(1).

10A NCAC 09 .2822 - The Commission objected to this Rule based on ambiguity in that the rule is too difficult to follow because of the lack of lists further breaking down and making clear the requirements in the sub-sub-paragraphs. The rule is also ambiguous in paragraph (b)(3). It is not clear if the requirement in (b)(3) for “eight additional clock hours of annual in-service training” requires eight hours for each of the five years or a total of eight hours over the five years.

The Commission received more than 10 written letters of objection to the four rules. If they are approved these rules will be subject to legislative review and a delayed effective date.

Environmental Management Commission
15A NCAC 02B .0304 was approved unanimously.

Board of Cosmetic Art Examiners
The agency has withdrawn all the rules and plans to refile them for the December meeting.

Board of Dietetics/Nutrition
All rules were approved unanimously.

Medical Board
The agency has withdrawn all the rules and refiled them for the December meeting.

Board of Examiners for Plumbing, Heating and Fire Sprinkler Contractors
Nick Fountain attorney for the Board addressed the Commission.

All rules were approved unanimously with the following exceptions:

21 NCAC 50 .0107 – The Commission objected to this Rule based on lack of necessity. This rule deals only with the internal management of the agency and is not necessary to be included in the N.C. Administrative Code. G.S. 150B-2(8a)a. exempts from the definition of "rule" for purposes of the Administrative Procedure Act "[s]tatements concerning only the internal management of an agency...if the statement does not affect the procedural or substantive rights or duties of a person not employed by the agency..." This rule appears to affect only Board members and would be more appropriately included in a set of bylaws.

21 NCAC 50 .0301 – The Commission objected to this Rule based on lack of statutory authority and ambiguity. There does not appear to be authority for the provisions in Paragraphs (d), (f) and (i) that allow a person to obtain a license without passing an examination. G.S. 87-21(b)(3) requires the Board to give an examination and issue a license as a result of the examination. G.S. 87-21(b)(4) does make an exception and allows the Board to either provide an examination for fire sprinkler contracting or accept a current certification of the National Institute for Certification in Engineering Technologies for Fire Protection Engineering Technicians, Level III, subfield of Automatic Sprinkler System Layout. None of these paragraphs require that certification. In Paragraph (i), it is not clear what is mean by "an Authority Hearing Jurisdiction."
21 NCAC 50 .0306 – The Commission objected to this Rule based on lack of statutory authority. There does not appear to be authority for the provision in Paragraph (h) that applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification must hold an active Plumbing Class I or Class II Contractor license for a minimum of three years. G.S. 87-21(b)(3) limits experience that can be required to two years.

21 NCAC 50 .0505 – The Commission objected to this Rule based on lack of statutory authority. In Paragraphs (e) and (f), there is no authority cited for this board to determine what a Licensed Professional Engineer is required to do.

21 NCAC 50 .0516 – The Commission objected to this Rule based on lack of statutory authority. There is no authority cited for this board to determine what a Licensed Professional Engineer is required to do.

21 NCAC 50 .1401 – The Commission objected to this Rule based on ambiguity. It is not clear what standards the Board will use in approving continuing education classes. There do not appear to be any standards in the rules. It is not clear what standards the Board will use in approving continuing education classes. There do not appear to be any standards in the rules.

The Commission received more than 10 written letters of objection to 21 NCAC 50 .1102, .1402, .1403, .1404, .1405, .1407, .1408, .1409, .1410. These rules are now subject to legislative review and a delayed effective date. The Commission also received more than 10 written letters of objection to Rules .0301, .0306, .0505 and .1401. If they are approved these rules will be subject to legislative review and delayed effective date.

Psychology Board
21 NCAC 54 .1605 was approved unanimously.

Real Estate Commission
Prior to the review of the rules from the Real Estate Commission, Commissioner Currin recused herself and did not participate in any discussion or vote concerning these rules because she possesses an (inactive) real estate license.

Tom Miller and Curtis Aldendifer from the Real Estate Commission addressed the Commission.

All rules were approved unanimously.

TEMPORARY RULES
Chairman Walker presided over the review of the log of temporary rules.

Commission for Public Health
10A NCAC 41A .0106 was approved unanimously.

Commissioner Simpson was not present during the vote.

Jim Hayes from the Division of Public Health addressed the Commission regarding 15A NCAC 18A .2528.

15A NCAC 18A .2528 was approved unanimously.

COMMISSION PROCEDURES AND OTHER BUSINESS
The meeting adjourned at 12:14 p.m.

The next scheduled meeting of the Commission is Thursday, December 15 at 10:00 a.m.

Respectfully Submitted,

____________________
Julie Edwards
Editorial Assistant

Minutes approved by the Rules Review Commission.
### Rules Review Commission
#### Meeting
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<td>Levi</td>
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<td>Bob Hamilton</td>
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<td>Ray Starling</td>
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<td>Barry Gourley</td>
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<td>Carolin Bakewell</td>
<td>Dental Board</td>
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<td>Nick Fountain</td>
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<td>Reed Szwarcjewski</td>
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<td>Constance W. Jones</td>
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<td>Susan C. Betts</td>
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<td>Jir Hayes</td>
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<td>Kimmiller</td>
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<td>Zick Morris</td>
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<td>Jill海鲜</td>
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<td>Jani Kozlowski</td>
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<td>Daniel Janner</td>
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<td>Curtis Aldenhizer</td>
<td>NC REC</td>
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<td>Virginia Niehaus</td>
<td>UNC Law Student</td>
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November 17, 2011 Meeting

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**Loose Egg Displays**

02 NCAC 43H .0102

## PLANT CONSERVATION BOARD

**Collection and Sale of Ginseng**

02 NCAC 48F .0305

## ALCOHOLIC BEVERAGE CONTROL COMMISSION

**Shelf Management**

04 NCAC 02R .1711

## BANKS, OFFICE OF THE COMMISSIONER OF

**Subsidiary Investment Approval**

04 NCAC 03C .0807

**Loan Documentation**

04 NCAC 03C .1001

**Savings Institution Division**

04 NCAC 16A .0101

**Restrictions: Payment of Dividends and Repurchase of Stock**

04 NCAC 16A .0105

**Petition for Adoption, Amendment or Repeal of Rules**

04 NCAC 16A .0201

**Notice of Rule-Making Hearings**

04 NCAC 16A .0202

**Petition for Declaratory Ruling**

04 NCAC 16A .0301

**Response of Commissioner of Banks to Petition**

04 NCAC 16A .0302

**Right to Hearing**

04 NCAC 16A .0401

**Informal Settlement**

04 NCAC 16A .0402

**Request for Hearing**

04 NCAC 16A .0403

**Intervention in an Administrative Hearing**

04 NCAC 16A .0405

**Subpoenas**

04 NCAC 16A .0407

**Objection to Subpoena**

04 NCAC 16A .0409

**Charter Application Restrictions**

04 NCAC 16C .0102

**Corporate Name**

04 NCAC 16C .0103

**Branch Office Application Restrictions**

04 NCAC 16C .0202

**Forfeiture of Branch Office Final Approval**

04 NCAC 16C .0203

**Temporary Closing of Office**

04 NCAC 16C .0304

**Purchase of Branch**

04 NCAC 16C .0305

**Bylaws**

04 NCAC 16D .0103

**General Policies**

04 NCAC 16D .0301

**Loans to One Borrower**

04 NCAC 16D .0407

**Securities**

04 NCAC 16D .0901

**Stock in Other Depository Institutions**

04 NCAC 16D .0902

**Bylaws**

04 NCAC 16E .0104

**General Policies**

04 NCAC 16E .0301

**Loans to One Borrower**

04 NCAC 16E .0405

**Stock in Other Depository Institutions**

04 NCAC 16E .0702

**Amendments to Articles of Incorporation or Bylaws**

04 NCAC 16F .0105

**Finance Subsidiary Transactions with Parent**

04 NCAC 16F .0108

**Issuance of Securities by Finance Subsidiaries**

04 NCAC 16F .0109

**Holding Company Subsidiaries and Financial Subsidiaries**

04 NCAC 16F .0111
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21 NCAC 50 .1403

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21 NCAC 50 .1404

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21 NCAC 50 .1405

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21 NCAC 50 .1407

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21 NCAC 50 .1408

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21 NCAC 50 .1409

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21 NCAC 50 .1410

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21 NCAC 54 .1605

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21 NCAC 58A .0107

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21 NCAC 58A .0403

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21 NCAC 58A .1902

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21 NCAC 58A .1903

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### LIST OF APPROVED TEMPORARY RULES

**November 17, 2011 Meeting**

### PUBLIC HEALTH, COMMISSION FOR

#### Reporting of Healthcare Associated Infections

10A NCAC 41A .0106

#### Fences

15A NCAC 18A .2528

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26:12  NORTH CAROLINA REGISTER  DECEMBER 15, 2011  936
This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina’s Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at http://www.ncoah.com/hearings.

### OFFICE OF ADMINISTRATIVE HEARINGS

**Chief Administrative Law Judge**  
JULIAN MANN, III

**Senior Administrative Law Judge**  
FRED G. MORRISON JR.

### ADMINISTRATIVE LAW JUDGES

- Beecher R. Gray  
- Selina Brooks  
- Melissa Owens Lassiter  
- Don Overby  
- Randall May  
- A. B. Elkins II  
- Joe Webster

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### Notes

1. The decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000.
CONTESTED CASE DECISIONS

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And WakeMed, Springs Surgery Center, LLC and Novant Health, Inc

Angela Mackey v. DHHS, Division of Health Service Regulation 10 DHR 5499 06/01/11
Cynthia Dawn Sloope v. DHHS 10 DHR 5500 06/07/11
Carteret Family Practice Clinic, P.A., v. DHHS, DMA, Program Integrity Section 10 DHR 5859 07/13/11 26:06 NCR 516
Alternative Life Programs, Inc. Marchell F Gunter

Cherie L Russell v. DHHS, Division of Health Services Regulation 10 DHR 6240 05/17/11
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