

NORTH CAROLINA REGISTER

VOLUME 27 • ISSUE 18 • Pages 1808 - 1836

March 15, 2013

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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.

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215 North Dawson Street (919) 715-2893
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215 North Dawson Street
Raleigh, North Carolina 27603
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Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street (919) 733-2578
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NORTH CAROLINA REGISTER
 Publication Schedule for January 2013 – December 2013

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
27:13	01/02/13	12/06/12	01/17/13	03/04/13	03/20/13	05/01/13	05/2014	09/29/13
27:14	01/15/13	12/19/12	01/30/13	03/18/13	03/20/13	05/01/13	05/2014	10/12/13
27:15	02/01/13	01/10/13	02/16/13	04/02/13	04/22/13	06/01/13	05/2014	10/29/13
27:16	02/15/13	01/25/13	03/02/13	04/16/13	04/22/13	06/01/13	05/2014	11/12/13
27:17	03/01/13	02/08/13	03/16/13	04/30/13	05/20/13	07/01/13	05/2014	11/26/13
27:18	03/15/13	02/22/13	03/30/13	05/14/13	05/20/13	07/01/13	05/2014	12/10/13
27:19	04/01/13	03/08/13	04/16/13	05/31/13	06/20/13	08/01/13	05/2014	12/27/13
27:20	04/15/13	03/22/13	04/30/13	06/14/13	06/20/13	08/01/13	05/2014	01/10/14
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27:23	06/03/13	05/10/13	06/18/13	08/02/13	08/20/13	10/01/13	05/2014	02/28/14
27:24	06/17/13	05/24/13	07/02/13	08/16/13	08/20/13	10/01/13	05/2014	03/14/14
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28:08	10/15/13	09/24/13	10/30/13	12/16/13	12/20/13	02/01/14	05/2014	07/12/14
28:09	11/01/13	10/11/13	11/16/13	12/31/13	01/21/14	03/01/14	05/2014	07/29/14
28:10	11/15/13	10/24/13	11/30/13	01/14/14	01/21/14	03/01/14	05/2014	08/12/14
28:11	12/02/13	11/06/13	12/17/13	01/31/14	02/20/14	04/01/14	05/2014	08/29/14
28:12	12/16/13	11/21/13	12/31/13	02/14/14	02/20/14	04/01/14	05/2014	09/12/14

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.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

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.

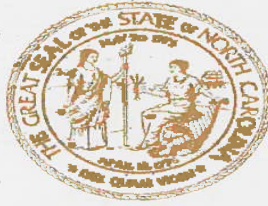
NOTICE OF TEXT

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.



State of North Carolina

PAT McCRORY
GOVERNOR

February 13, 2013

EXECUTIVE ORDER NO. 3

DISASTER DECLARATION FOR THE TOWN OF KITTY HAWK

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes authorizes the issuance of a disaster declaration for an emergency area as defined in N.C.G.S. § 166A-19.3(7) and categorizing the disaster as a Type I, Type II or Type III disaster as defined in N.C.G.S. § 166A-19.21(b); and

WHEREAS, starting on October 27, 2012, the Town of Kitty Hawk, North Carolina was impacted by the effects of Hurricane Sandy; and

WHEREAS, as a result of the approach and impacts of Hurricane Sandy, the Governor declared a state of emergency pursuant to N.C.G.S. § 166A-19.20(b) for forty (40) eastern North Carolina counties, including Dare County where the Town of Kitty Hawk is located; and

WHEREAS, as a result of the approach and impacts of Hurricane Sandy, the Town of Kitty Hawk proclaimed a local state of emergency on October 27, 2012; and

WHEREAS, due the impacts of Hurricane Sandy in the Town of Kitty Hawk, a joint preliminary damage assessment was done by local, state and federal emergency management officials on November 5, 2012; and

WHEREAS, I have determined that a Type I disaster, as defined in N.C.G.S. § 166A-19.21(b)(1), exists in the State of North Carolina, specifically in the Town of Kitty Hawk; and

WHEREAS, pursuant to N.C.G.S. § 166A-19.21(b), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) the Town of Kitty Hawk declared a local state of emergency pursuant to N.C.G.S. § 166A-19.22; (3) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in G.S. 166A-19.41(b)(2)a.; 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-19.41(b), if a disaster is declared, 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 emergency 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-19.21(b)(1), a Type I disaster is hereby declared for the Town of Kitty Hawk.

Section 2. I authorize state disaster assistance in the form of individual assistance grants to eligible individuals and families located within the emergency area that meet the terms and conditions under N.C.G.S. § 166A-19.41(b)(2) these grants are for the following:

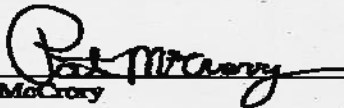
- a. Debris clearance.
- b. Emergency protective measures.

Section 3. I hereby order this declaration: (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 the Department of 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 declaration.

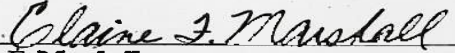
Section 4. This Type I disaster declaration shall expire 60 days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance.

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 thirteenth day of February in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.




Pat McCrory
Governor

ATTEST:


Elaine F. Marshall
Secretary of State

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.
Statutory reference: G.S. 150B-21.2.

TITLE 11 – DEPARTMENT OF INSURANCE

Comment period ends: May 14, 2013

Notice is hereby given in accordance with G.S. 150B-21.2 that the Home Inspector Licensure Board intends to amend the rules cited as 11 NCAC 08 .1008, .1110.

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.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
- RRC certified on: February 21, 2013
- Not Required

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 by G.S. 150B-21.4

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncdoi.com/LS/>

Proposed Effective Date: July 1, 2013

Public Hearing:

Date: April 12, 2013

Time: 9:00 a.m.

Location: 322 Chapanoke Road, Raleigh, NC 27603

Reason for Proposed Action:

11 NCAC 08 .1008 – Home Inspectors must have access to single family dwellings with our without the presence of the property owner. Misdemeanor crimes of moral turpitude and felony convictions are legitimate cause for concern. This rule would clarify for applicants considering attending approved prelicensing courses as an avenue to licensure, that the Board would not consider an application of an individual for the duration of his/her incarceration, probation or parole.

11 NCAC 08 .1110 – Home inspectors must secure the client's signature on a written agreement prior to conducting an inspection. The agreement must state that the inspection will be performed per the NCHILB Standards of Practice. The report for a prepurchase inspection of three or more systems must include a summary that may describe any system or component that poses a safety concern. Carbon Monoxide alarms and Arc Fault Circuit Interrupters (AFCI) are common life safety devices in today's homes that are not required to be inspected or reported on under the current Standards of Practice.

Procedure by which a person can object to the agency on a proposed rule: The Home Inspectors Licensure Board will accept written objections to these rules until the expiration of the comment period on May 14, 2013.

Comments may be submitted to: Karen Waddell, NC Department of Insurance, 1201 Mail Service Center, Raleigh, NC 27699-1201, phone (919)733-4529, email karen.waddell@ncdoi.gov.

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .1000 - N.C. HOME INSPECTOR LICENSURE BOARD

11 NCAC 08 .1008 APPLICATIONS FOR LICENSES

(a) Persons may obtain license applications from the Board after they pay the appropriate fee. Applicants shall return a completed application form and any supporting documentation to the Board at least 30 days before the next scheduled examination. The Board shall notify applicants of the times, dates, and locations of examinations. If available space is not sufficient for the number of applicants, additional examinations shall be scheduled.

(b) No license application shall be considered while the applicant is serving a sentence entered upon a conviction, guilty plea, or a plea of nolo contendere to any misdemeanor involving moral turpitude or any felony. For the purposes of this Rule, serving a sentence includes incarceration, supervised or unsupervised probation, or parole.

Authority G.S. 143-151.49; 143-151.51; 143-151.56(a)(5).

11 NCAC 08 .1110 ELECTRICAL

- (a) The home inspector shall inspect:
 - (1) Service entrance conductors;
 - (2) Service equipment, grounding equipment, main overcurrent device, and main and distribution panels;
 - (3) Amperage and voltage ratings of the service;
 - (4) Branch circuit conductors, their overcurrent devices, and the compatibility of their ampacities;
 - (5) The operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls;
 - (6) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;
 - (7) The operation of ground fault circuit interrupters; and
 - (8) Smoke detectors, detectors and permanently installed carbon monoxide alarms.
- (b) The home inspector shall describe:
 - (1) Service amperage and voltage;
 - (2) Service entry conductor materials;
 - (3) The service type as being overhead or underground; and
 - (4) The location of main and distribution panels.
- (c) The home inspector shall report in writing the presence of any readily accessible single strand aluminum branch circuit wiring.
- (d) The home inspector shall report in writing on the presence or absence of smoke detectors, and permanently installed carbon monoxide alarms in any homes with fuel fired appliances or attached garages, and operate their test function, if accessible, except when detectors are part of a central alarm system.
- (e) The home inspector is not required to:
 - (1) Insert any tool, probe, or testing device inside the panels;
 - (2) Test or operate any overcurrent device except ground fault circuit interrupters;
 - (3) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels; or
 - (4) Inspect:
 - (A) Low voltage systems;
 - (B) Security system ~~devices,~~ or heat detectors; detectors, or carbon monoxide detectors;
 - (C) Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; ~~or~~
 - (D) Built-in vacuum ~~equipment; equipment;~~

- (E) Back up electrical generating equipment; or
- (F) Other alternative electrical generating or renewable energy systems such as solar, wind or hydro power.

Authority G.S. 143-151.49; 143-151.58.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend the rule cited as 15A NCAC 07H .0306.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on: January 31, 2013
- RRC certified on:
- Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): <http://portal.ncdenr.org/web/cm/proposed-rules>

Proposed Effective Date: September 1, 2013

Public Hearing:

Date: April 10, 2013

Time: 5:00 p.m.

Location: NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557

Reason for Proposed Action: 07H defines specific development requirements in Ocean Hazard Areas. The proposed rule change amends language in section 07H .0306(a)(2) pertaining to setbacks for oceanfront development, creating and exemption for the replacement of single-family or duplex residential structures greater than 5,000 sq. ft. that cannot meet the setback criteria of 15A NCAC 07H .0306(a)(2).

Procedure by which a person can object to the agency on a proposed rule: Objections may be filed in writing and addressed to the Director, NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557.

Comments may be submitted to: Braxton Davis, NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, phone (252)808-2808, fax (252)247-3330.

Comment period ends: May 14, 2013

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 by G.S. 150B-21.4

CHAPTER 07 - COASTAL MANAGEMENT

SUBCHAPTER 07H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the CRC's Rules shall be located according to whichever of the following is applicable:

- (1) The ocean hazard setback for development is measured in a landward direction from the vegetation line, the static vegetation line or the measurement line, whichever is applicable. The setback distance is determined by both the size of development and the shoreline erosion rate as defined in 15A NCAC 07H .0304. Development size is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:
 - (A) The total square footage of heated or air-conditioned living space;
 - (B) The total square footage of parking elevated above ground level; and
 - (C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load bearing.
 Decks, roof-covered porches and walkways are not included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an

enclosed space with material other than screen mesh.

- (2) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:
 - (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (B) A building or other structure greater than or equal to 5,000 square feet but less than 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (C) A building or other structure greater than or equal to 10,000 square feet but less than 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion rate, whichever is greater;
 - (D) A building or other structure greater than or equal to 20,000 square feet but less than 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion rate, whichever is greater;
 - (E) A building or other structure greater than or equal to 40,000 square feet but less than 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion rate, whichever is greater;
 - (F) A building or other structure greater than or equal to 60,000 square feet but less than 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion rate, whichever is greater;
 - (G) A building or other structure greater than or equal to 80,000 square feet but less than 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline erosion rate, whichever is greater;
 - (H) A building or other structure greater than or equal to 100,000 square feet requires a minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;

- (I) Infrastructure that is linear in nature such as roads, bridges, pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water, telephone, cable television, data, storm water and sewer requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
- (J) Parking lots greater than or equal to 5,000 square feet requires a setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater; ~~and~~
- (K) Notwithstanding any other setback requirement of this Subparagraph, a building or other structure greater than or equal to 5,000 square feet in a community with a static line exception in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever is greater. The setback shall be measured landward from either the static vegetation line, the vegetation line or measurement line, whichever is farthest ~~landward~~ landward; and
- (L) Notwithstanding any other setback requirement of this Subparagraph, replacement of single-family or duplex residential structures with a total floor area greater than 5,000 square feet shall be allowed provided that the structure meets the following criteria:
- (i) the structure was originally constructed prior to August 11, 2009;
 - (ii) the structure as replaced does not exceed the original footprint or square footage;
 - (iii) it is not possible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under Subparagraph (a)(2) of this Rule;
 - (iv) the structure as replaced meets the minimum setback required under Part (a)(2)(A) of this Rule; and
 - (v) the structure is rebuilt as far landward on the lot as feasible.
- (3) If a primary dune exists in the AEC on or landward of the lot on which the development is proposed, the development shall be landward of the crest of the primary dune or the ocean hazard setback, whichever is farthest from vegetation line, static vegetation line or measurement line, whichever is applicable. For existing lots, however, where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback but shall not be located on or oceanward of a frontal dune. The words "existing lots" in this Rule shall mean a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and which cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership.
- (4) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot on which the development is proposed, the development shall be set landward of the frontal dune or landward of the ocean hazard setback whichever is farthest from the vegetation line, static vegetation line or measurement line, whichever is applicable.
 - (5) If neither a primary nor frontal dune exist in the AEC on or landward of the lot on which development is proposed, the structure shall be landward of the ocean hazard setback.
 - (6) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements.
 - (7) Established common-law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the intended use of the accessways.
 - (8) Beach fill as defined in this Section represents a temporary response to coastal erosion, and compatible beach fill as defined in 15A NCAC 07H .0312 can be expected to erode at least as fast as, if not faster than, the pre-project beach. Furthermore, there is no assurance of future funding or beach-compatible sediment for continued beach fill projects and project maintenance. A vegetation line that becomes established oceanward of the pre-project vegetation line in an area that has received beach fill may be more vulnerable to natural

hazards along the oceanfront. A development setback measured from the vegetation line provides less protection from ocean hazards. Therefore, development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the static vegetation line as defined in this Section. However, in order to allow for development landward of the large-scale beach fill project that is less than 2,500 square feet and cannot meet the setback requirements from the static vegetation line, but can or has the potential to meet the setback requirements from the vegetation line set forth in Subparagraph (1) and (2)(A) of this Paragraph a local government or community may petition the Coastal Resources Commission for a "static line exception" in accordance with 15A NCAC 07J .1200 to allow development of property that lies both within the jurisdictional boundary of the petitioner as well as the boundaries of the large-scale beach fill project. This static line exception shall also allow development greater than 5,000 square feet to use the setback provisions defined in Part (a)(2)(K) of this Rule in areas that lie within the jurisdictional boundary of the petitioner as well as the boundaries of the large-scale beach fill project. The procedures for a static line exception request are defined in 15A NCAC 07J .1200. If the request is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the static vegetation line under the following conditions:

- (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(2)(A) of this Rule;
- (B) Total floor area of a building is no greater than 2,500 square feet;
- (C) Development setbacks are calculated from the shoreline erosion rate in place at the time of permit issuance;
- (D) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of

Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater;

- (E) With the exception of swimming pools, the development defined in 15A NCAC 07H .0309(a) is allowed oceanward of the static vegetation line; and
- (F) Development is not eligible for the exception defined in 15A NCAC 07H .0309(b).

(b) In order to avoid weakening the protective nature of ocean beaches and primary and frontal dunes, no development is permitted that involves the removal or relocation of primary or frontal dune sand or vegetation thereon which would adversely affect the integrity of the dune. Other dunes within the ocean hazard area shall not be disturbed unless the development of the property is otherwise impracticable, and any disturbance of any other dunes is allowed only to the extent allowed by 15A NCAC 07H .0308(b).

(c) Development shall not cause irreversible damage to historic architectural or archaeological resources documented by the Division of Archives and History, the National Historical Registry, the local land-use plan, or other sources.

(d) Development shall comply with minimum lot size and set back requirements established by local regulations.

(e) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks existing as of June 1, 1979.

(f) Development shall comply with general management objective for ocean hazard areas set forth in 15A NCAC_07H .0303.

(g) Development shall not interfere with legal access to, or use of, public resources nor shall such development increase the risk of damage to public trust areas.

(h) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:

- (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action,
- (2) restore the affected environment, or
- (3) compensate for the adverse impacts by replacing or providing substitute resources.

(i) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to DCM that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

(j) All relocation of structures requires permit approval. Structures relocated with public funds shall comply with the applicable setback line as well as other applicable AEC rules.

Structures including septic tanks and other essential accessories relocated entirely with non-public funds shall be relocated the maximum feasible distance landward of the present location; septic tanks may not be located oceanward of the primary structure. In these cases, all other applicable local and state rules shall be met.

(k) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). The structure(s) shall be relocated or dismantled within two years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach renourishment takes place within two years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under 15A NCAC_07H .0308(a)(2).

Authority G.S. 113A-107; 113A-113(b)(6); 113A-124.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Dental Examiners intends to adopt the rules cited as 21 NCAC 16B .1001-.1002; 16G .0107-.0108, amend the rules cited as 21 NCAC 16B .0101, .0317; 16C .0101, .0301; 16M .0101 and repeal the rule cited as 21 NCAC 16A .0104.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
RRC certified on:
Not Required

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

Proposed Effective Date: August 1, 2013

Public Hearing:

Date: April 4, 2013

Time: 7 p.m.

Location: The N.C. State Board of Dental Examiners, 507 Airport Blvd., Suite 105, Morrisville, NC 27560

Reason for Proposed Action:

21 NCAC 16A .0104 – is proposed for repeal as it is unnecessary to include the Board's address, telephone number and hours operation in rule form.

21 NCAC 16B .0101; 16C .0101, .0301– are proposed for amendment to clarify that they do not apply to dentists or hygienists seeking licensure by military endorsement or as volunteers pursuant to G.S. 90-21.107.

21 NCAC 16B .0317 – is proposed for amendment to eliminate the remediation requirement for individuals taking a Board-approved examination. The Board has no way to enforce this requirement respecting individuals who take an examination from an independent testing agency.

21 NCAC 16B .1001-.1002; 16G .0107-.0108 – are proposed for adoption to provide guidance for individuals seeking licensure as a dentist or a hygienist by military endorsement.

21 NCAC 16M .0101 – is proposed for amendment to set out the fee charged individuals seeking a dental by military endorsement.

Procedure by which a person can object to the agency on a proposed rule: Individuals may contact Mr. Bobby D. White, Chief Operations Officer, NC Dental Board, 507 Airport Blvd., Suite 105, Morrisville, NC 27560.

Comments may be submitted to: Bobby D. White, Chief Operations Officer, 507 Airport Blvd, Suite 105, Morrisville, NC 27560

Comment period ends: June 5, 2013

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 by G.S. 150B-21.4

SUBCHAPTER 16A – ORGANIZATION

21 NCAC 16A .0104 LOCATION

(a) The Board maintains its offices at 507 Airport Boulevard, Suite 105, Morrisville, N.C. 27560.

(b) The Board's telephone number is (919) 678 8223. The Board's offices are open from 8:30 a.m. to 5:30 p.m., Monday through Friday.

Authority G.S. 90-26; 90-43; 90-48.

SUBCHAPTER 16B - LICENSURE DENTISTS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 16B .0101 EXAMINATION REQUIRED; EXEMPTIONS

All persons desiring to practice dentistry in North Carolina are required to pass Board approved, according to these Rules, written and clinical examinations before receiving a license. The examination requirement does not apply to persons seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1001-.1002 of this Subchapter.

Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-38; 90-48; 93B-15.1.

SECTION .0300 - APPLICATION FOR LICENSURE

21 NCAC 16B .0317 REEXAMINATION

~~(a) Any applicant who has failed the clinical portion of a Board approved examination three times, regardless of having passed the written portion of the examination, shall successfully complete a Board approved course of study in clinical dentistry encompassing at least one academic year. The course of study shall be in the area(s) of deficiency exhibited on the examination and shall provide additional experience and expertise in clinical dentistry for the applicant. The applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.~~

~~(a)(b)~~ Any applicant who has passed the written examination but has failed the clinical examination must also re-take the written examination unless the applicant successfully passes the clinical examination within one year after passing the written examination. The Board will not accept scores from the written portion of the examination that are more than one year old.

~~(b)(e)~~ Any applicant who has failed the written portion of the examination may retake the written portion of the examination two additional times during the 12 month period from the date of the initial examination. The applicant must wait a minimum of 72 hours before attempting to retake a written examination.

~~(c)(d)~~ Any applicant who has failed the written portion of the examination three times shall successfully complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.

Authority G.S. 90-28; 90-30; 90-48.

SECTION .1000 - LICENSURE BY MILITARY ENDORSEMENT

21 NCAC 16B .1001 DENTAL LICENSURE BY ENDORSEMENT BASED ON MILITARY SERVICE

(a) An applicant for a dental license by endorsement based on military service shall submit to the Board:

- (1) a completed, signed and notarized application form provided by the Board; and
- (2) the application fee required by Rule 16M .0101(a)(16) of this Chapter; and
- (3) written evidence demonstrating that the applicant is currently serving in the U.S. military or is in the U.S. military reserves and has been awarded a military occupational specialty in dentistry and that the applicant:
 - (A) has completed a military program of training substantially equivalent to or greater than that required for licensure as a dentist in North Carolina; and
 - (B) has completed testing or equivalent training and experience substantially equivalent to or greater than that required for licensure as a dentist in North Carolina; and
 - (C) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least 1,500 hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application.

Authority G.S. 90-28; 90-36; 93B-15.1.

21 NCAC 16B .1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS MILITARY SPOUSE

(a) An applicant for a dental license by endorsement based on the applicant's status as a military spouse shall submit to the Board:

- (1) a completed, signed and notarized application form provided by the Board; and
- (2) the application fee required by Rule 16M .0101(a)(16); and
- (3) written evidence demonstrating that the applicant is married to an active member of the U.S. military and that such applicant:
 - (A) holds a current dental license from another jurisdiction whose standards for licensure are substantially equivalent to or greater than those

required for licensure as a dentist in North Carolina; and

(B) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least 1,500 hours per year during at least two of the five years preceding the date of application; and

(4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application.

Authority G.S. 90-28; 90-36; 93B-15.1.

SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 16C .0101 LICENSURE

Before beginning the practice of dental hygiene in North Carolina, each applicant shall procure from the Board a license to practice dental hygiene. In order to receive such a license, each applicant shall pass written and clinical examinations as set out in this Subchapter. The examination requirement does not apply to persons seeking volunteer licenses pursuant to G.S. 90-21.107 or license by endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter.

Authority G.S. 90-223; 90-224.

SECTION .0300 - APPLICATION

21 NCAC 16C .0301 APPLICATION FOR LICENSURE

(a) All applications for licensure shall be made on the forms furnished by the Board, and no application shall be deemed complete which does not set forth all the information required relative to the applicant. Any applicant who changes his address shall notify the Board office. Applicants shall arrange for and ensure submission to the Board office, sealed proof of graduation from the school, as required by G.S. 90-224(a).

(b) The application fee shall accompany the application. Such fee is nonrefundable.

(c) Applicants who are licensed in other states shall furnish verification of licensure from the secretary of the board of each state in which they are licensed. A photograph of the applicant, taken within six months prior to the date of the application, must be affixed to the application.

(d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application.

~~(e) All applicants shall arrange for and ensure the submission to the Board office, the examination scores as required by 16C .0303(a) of this Subchapter. All applicants shall arrange for and ensure the submission to the Board office, the examination scores as required by 16C .0303(e), if applicable. The examination requirement does not apply to individuals seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter.~~

Authority G.S. 90-223; 90-224; 93B-15.1.

SUBCHAPTER 16G – DENTAL HYGIENISTS

SECTION .0100 – DENTAL HYGIENISTS

21 NCAC 16G .0107 DENTAL HYGIENE LICENSURE BY ENDORSEMENT BASED ON MILITARY SERVICE

(a) An applicant for a dental hygiene license by endorsement based on his/her status as an active member of the U.S. military shall submit to the Board:

(1) a completed, signed and notarized application form provided by the Board; and

(2) an application fee in the amount of two hundred sixty-five dollars (\$265.00); and

(3) written evidence demonstrating that the applicant has been awarded a military occupational specialty in dental hygiene and that the applicant:

(A) has completed a military program of training substantially equivalent to or greater than the requirements for licensure as a dental hygienist in North Carolina; and

(B) has completed testing or equivalent training and experience substantially equivalent to or greater than that required for licensure as a dental hygienist in North Carolina; and

(C) has engaged in the active practice of dental hygiene as defined by G.S. 90-221 for at least 1,500 hours per year during at least two of the five years preceding the date of application; and

(4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other form(s)

required to perform a criminal history check at the time of the application.

Authority G.S. 90-28; 90-36; 93B-15.1.

21 NCAC 16G .0108 DENTAL HYGIENE LICENSURE BY ENDORSEMENT BASED ON STATUS AS MILITARY SPOUSE

(a) An applicant for a dental hygiene license by endorsement based on the applicant's status as a current spouse of an active member of the U.S. military shall submit to the Board:

- (1) a completed, signed and notarized application form provided by the Board; and
- (2) a two hundred sixty-five dollar (\$265.00) application fee; and
- (3) written evidence demonstrating that the applicant is a military spouse and that such applicant:
 - (A) holds a current dental hygiene license from another jurisdiction whose standards for licensure are substantially equivalent to or greater than those required for licensure as a dental hygienist in North Carolina; and
 - (B) has engaged in the active practice of dental hygiene as defined by G.S. 90-221 for at least 1,500 hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application.

Authority G.S. 90-28; 90-36; 93B-15.1.

SUBCHAPTER 16M - FEES PAYABLE

SECTION .0100 – FEES PAYABLE

21 NCAC 16M .0101 DENTISTS

(a) The following fees shall be payable to the Board:

- (1) Application for general dentistry license \$ 395.00
- (2) Renewal of general dentistry license \$ 289.00
- (3) Application for instructor's license or renewal thereof \$ 140.00
- (4) Application for provisional license \$ 100.00
- (5) Application for intern permit or renewal thereof \$ 150.00
- (6) Certificate of license to a resident dentist desiring to change to another state or territory \$ 25.00
- (7) Duplicate license \$ 25.00
- (8) Reinstatement of license \$ 225.00
- (9) Fee for late renewal of any license or permit \$ 50.00
- (10) Application for license by credentials \$2000.00
- (11) Application for limited volunteer dental license \$ 100.00
- (12) Renewal of limited volunteer dental license \$ 25.00
- (13) Board conducted examination processing fee \$ 805.00
- (15) Each limited volunteer dental license annual renewal \$50.00
- (16) Application for license by endorsement \$395.00

(b) Each dentist renewing a license to practice dentistry in North Carolina shall be assessed a fee of forty dollars (\$40.00), in addition to the annual renewal fee, to be contributed to the operation of the North Carolina Caring Dental Professionals.

Authority G.S. 90-28; 90-39; 90-48; 93B-15.1; 150B-19(5).

This Section contains information for the meeting of the Rules Review Commission on February 21, 2013 and March 21, 2013 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

Appointed by Senate

Addison Bell
Margaret Currin
Pete Osborne
Bob Rippy
Faylene Whitaker

Appointed by House

Ralph A. Walker
Anna Baird Choi
Jeanette Doran
Garth K. Dunklin
Stephanie Simpson

COMMISSION COUNSEL

Joe DeLuca (919)431-3081
Amanda Reeder (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

March 21, 2013 April 18, 2013
May 16, 2013 June 20, 2013

RULES REVIEW COMMISSION

February 21, 2013

MINUTES

The Rules Review Commission met on Thursday, February 21, 2013, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Addison Bell, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Pete Osborne, Bob Rippy, Stephanie Simpson, Ralph Walker and Faylene Whitaker.

Staff members present were: Joe DeLuca, Bobby Bryan and Amanda Reeder Commission Counsel; Dana Vojtko, Julie Edwards and Molly Masich.

The meeting was called to order at 10:00 a.m. with Chairman Walker presiding. He 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 January 20, 2013 meeting. There were none and the minutes were approved as distributed.

Senior Administrative Law Judge Fred Morrison introduced OAH Law Clerk Ann Maness.

Commissioner Walker introduced new Commission Counsel Amanda Reeder.

Commissioner Walker read a resolution honoring Commission Counsel Bobby Bryan. It was adopted by acclamation and a copy is attached.

FOLLOW-UP MATTERS

10A NCAC 09 .3004, .3008 – Child Care Commission. Rule .3008 was approved unanimously.

The Commission objected to Rule .3004 based on lack of statutory authority. There is no authority to prohibit a “religious sponsored child care facility” from offering religious instruction. G.S. 110-88.1 specifically forbids “the State to determine the training or curriculum offered in any religious-sponsored child care facility.”

Lexi Gruber from the agency addressed the Commission.

Margaret Hamilton from Upper Room Christian Academy addressed the Commission.

10A NCAC 13D .2105 – Medical Care Commission – The Commission approved the re-written rule unanimously.

10A NCAC 43D .0708 – Commission for Public Health – The Commission approved the re-written rule unanimously.

19A NCAC 01C .0201 – Department of Transportation – The Commission approved the re-written rule unanimously.

19A NCAC 02D .0414 – Department of Transportation – The Commission approved the re-written rule unanimously.

Betsy Strickland from the agency addressed the Commission.

21 NCAC 64 .0903 – Board of Examiners for Speech and Language Pathologists and Audiologists. The Commission approved the re-written rule unanimously.

LOG OF FILINGS

Chairman Walker presided over the review of the log of permanent rules.

Department of Commerce – Credit Union Division

All rules were approved unanimously.

Environmental Management Commission

All rules were approved unanimously.

Board of Cosmetic Art Examiners

All rules were approved unanimously.

Hearing Aid Dealers and Fitters Board

All rules were approved unanimously with the following exceptions:

The Commission objected to Rule 21 NCAC 22F .0108 for failure to comply with the Administrative Procedure Act. Despite the certification on the form and introductory statement, a notice of text for this rule was not published in the North Carolina Register. G.S. 150B-21.2(a)(1) requires an agency to publish a notice of text in the Register before it adopts a permanent rule.

The Commission objected to Rule 21 NCAC 22F .0120 due to ambiguity, as it is unclear what standards the Board will use in approving continuing education, what topic content categories are applicable for continuing education credit and the applicable clock hours for those topics. In addition, the Commission objected to the rule because the Board lacks statutory authority to set continuing education requirements outside of rulemaking.

The Commission objected to Rule 21 NCAC 22I .0103 due to ambiguity, as it is not clear in Paragraph (e) what standards of practice the Board considers to be “recognized”.

The Commission objected to Rule 21 NCAC 22J .0103 based upon ambiguity, as Item (3) is unclear regarding how the Board will determine if a person is a “nationally recognized celebrity”.

Catherine Jorgensen with the agency addressed the Commission.

Board of Pharmacy

All rules were approved by the Commission

Board of Podiatry Examiners

The rules were withdrawn by the agency and resubmitted for the March meeting.

Building Code Council

All rules were approved by the agency Commission.

Barry Gupton from the agency addressed the Commission.

RRC CERTIFICATION

Home Inspector Licensure Board

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 11 NCAC 08 .1008, .1110.

Private Protective Services Board

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 07D .0707, .0909.

OTHER BUSINESS

The meeting adjourned at 12:02 p.m.

The next scheduled meeting of the Commission is Thursday, March 21st at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings / Rules Division.

Respectfully Submitted,

Julie Edwards
Editorial Assistant

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Denise Stanford	NC HILB
Alexi Gruber	NC DOJ
John Ann	DOE
Jani Korlanski	DOE
Elizabeth Kountis	NC DENR
Beverly Spero ff	NC DHHS
Becky Wertz	NC DHHS
Bob Martin	NC DPH
Donna Smith	NC DOJ
Tysha Crap	NC DPH
Corell Smith	NC DPH
Mary Anne Burchardt	NC DPH
Tony Knox	NC CWA
Barry Smith	Carolina Journal
Lynda Elliott	NC Bd of Land Use
Karen Woodard	NCBA
Barry Stewart	ALOEI/BCO
Nahalye Ka Vas	NCBOE/CPA
Jennifer Everett	DENR
ROBERT PRUSA	NCBA
Betty Smid	DOJ

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
<i>Phyllis Tranchese</i> Please Print Legibly	DOJ-DOJ Please Print Legibly
<i>John [unclear]</i> Please Print Legibly	DOT Please Print Legibly
<i>Catherine Jorgensen</i> Please Print Legibly	NCHADFB Please Print Legibly
<i>Curtis Aldendifer</i> Please Print Legibly	NC REC Please Print Legibly
<i>Margaret Hamilton</i> Please Print Legibly	URCA Please Print Legibly
<i>Mike Hejduk</i> Please Print Legibly	NC HHS Please Print Legibly
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RESOLUTION

Whereas Robert A. (Bobby) Bryan has served the people of North Carolina first as a rulemaker with the Department of Labor from March 1, 1984 until December 1992 and then continued his service as a rules-reviewer when he joined the staff of the Rules Review Commission; and

Whereas Bobby Bryan has played a significant role in the Rules Review Commission's reputation for impartiality with decisions based on the rule of law as set forth in the General Statutes of North Carolina; and

Whereas during his career, Bobby Bryan has revised more than 25,000 rules that are, or have been, in the North Carolina Administrative Code; and

Whereas during his tenure, Bobby Bryan has trained and counseled fifty-eight commissioners of different political backgrounds and beliefs; and

Whereas Bobby Bryan has also trained and counseled many rules writers for various agencies and boards during his career; and

Whereas Bobby Bryan's experiences with rulemaking extend from agencies governing the practice of acupuncture to running the state's zoo; rules with "deep public interest" including those concerning the difference between wild pigs and feral swine, animal euthanasia, ginseng poaching, ferry tolls, and the keeping of mute swans; and all the while, he handled the criticisms, threats, and compliments that these contentious issues have brought with them, all with graciousness and good-will; and

Whereas Bobby Bryan has exemplified dedication to his position by missing only two out of 241 meetings since he joined the Rules Review Commission staff; and

Whereas Bobby Bryan since July 30, 1999 has been supported by Monica, his Alabama-born wife, and has maintained his connection with that state over the years;

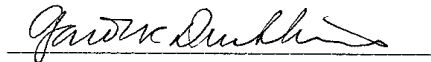
NOW, THEREFORE, BE IT RESOLVED by this Rules Review Commission that Bobby Bryan be recognized for his dedicated service to the State of North Carolina and This Commission; that he be recognized for the immensely important and singular role he has played in developing the reputation, role and service of the Commission; and

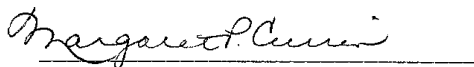
BE IT FURTHER RESOLVED that the Rules Review Commission extends its grateful appreciation to Bobby Bryan for over 20 years of distinguished and exemplary service exhibited in his leadership; and

BE IT FURTHER RESOLVED that this Resolution be presented to Bobby Bryan and a copy of this document be placed in the official files of the Rules Review Commission as part of the permanent record of the Commission as a lasting tribute to his accomplishments and contributions.

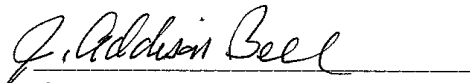
Adopted at its official meeting this 21st day of February, 2013.



Chairman

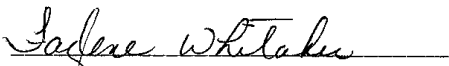

Vice-Chairman



Vice-Chairman

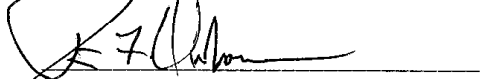

Commissioner

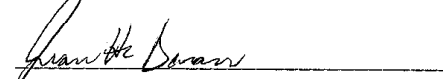

Commissioner


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LIST OF CERTIFIED RULES
February 21, 2013 Meeting

HOME INSPECTOR LICENSURE BOARD

Applications for Licenses

11 NCAC 08 .1008

Electrical

11 NCAC 08 .1110

PRIVATE PROTECTIVE SERVICES BOARD

Training Requirements for Unarmed Security Guards
Unarmed Trainer Certificate

12 NCAC 07D .0707
12 NCAC 07D .0909

AGENDA
RULES REVIEW COMMISSION
Thursday, March 21, 2013 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-Up Matters:
 - A. Child Care Commission – 10A NCAC 09 .3004 (DeLuca)
 - B. Hearing Aid Dealers and Fitters Board – 21 NCAC 22F .0108, .0120 (Reeder)
 - C. Hearing Aid Dealers and Fitters Board – 21 NCAC 22I .0103 (Reeder)
 - D. Hearing Aid Dealers and Fitters Board – 21 NCAC 22J .0103 (Reeder)
- IV. [Review of Log of Filings \(Permanent Rules\) for rules filed between January 23, 2012 and February 20, 2013](#)
- V. [Review of Log of Filings \(Temporary Rules\) for any rule filed within 15 business days of the RRC Meeting](#)
- VI. G.S. 150B-19.1 Certification
- VII. Commission Business
 - Next meeting: April 18, 2013

**Commission Review
Log of Permanent Rule Filings
January 23, 2013 through February 20, 2013**

HOME INSPECTOR LICENSURE BOARD

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

<u>Suspension of Authority to Expend Funds</u>	11	NCAC	08	.1012
Adopt/*				
<u>Code of Ethics</u>	11	NCAC	08	.1116
Amend/*				

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Chapter 2 concern environmental management and are promulgated by the Environmental Management Commission or the Department of Environment and Natural Resources.

The rules in Subchapter 2L cover groundwater classifications and standards including general considerations (.0100); classifications and groundwater quality standards (.0200); the assignments of underground water classifications (.0300); and risk-based assessment and corrective action for petroleum underground storage tanks (.0400).

<u>Groundwater Quality Standards</u>	15A	NCAC	02L	.0202
Amend/*				

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>Definitions</u>	15A	NCAC	18A	.2508
Amend/*				
<u>Special Purpose and Therapy Pools</u>	15A	NCAC	18A	.2544
Adopt/*				

PODIATRY EXAMINERS, BOARD OF

The rules in Chapter 52 concern Board of Podiatry Examiners including organization of the Board (.0100); examination and licensing (.0200); professional corporations (.0300); revocation or suspension of license (.0400); certification of podiatric assistants (.0500); general provisions (.0600); petitions for rules (.0700); notice of rulemaking hearings

(.0800); rulemaking hearings (.0900); declaratory rulings (.1000); administrative hearing procedures (.1100); administrative hearings decisions related rights and procedures (.1200); nominations for podiatrist members of the board of podiatry examiners; the board of podiatry examiners constituting a board of podiatry elections; and procedures for holding an election (.1300); and scope of practice (.1400).

<u>Examination</u> Amend/*	21	NCAC	52	.0202
<u>Annual Renewal of License</u> Amend/*	21	NCAC	52	.0207
<u>Fee Schedule</u> Adopt/*	21	NCAC	52	.0613

REAL ESTATE COMMISSION

The rules in Chapter 58 are from the North Carolina Real Estate Commission.

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

<u>Broker Name and Address</u> Amend/*	21	NCAC	58A	.0103
<u>Advertising</u> Amend/*	21	NCAC	58A	.0105
<u>Handling and Accounting of Funds</u> Repeal/*	21	NCAC	58A	.0107
<u>Retention of Records</u> Amend/*	21	NCAC	58A	.0108
<u>Broker-In-Charge</u> Amend/*	21	NCAC	58A	.0110
<u>Drafting Legal Instruments</u> Amend/*	21	NCAC	58A	.0111
<u>Handling of Trust Money</u> Adopt/*	21	NCAC	58A	.0116
<u>Accounting for Trust Money</u> Adopt/*	21	NCAC	58A	.0117
<u>Trust Money Belonging to Property Owners' Associations</u> Adopt/*	21	NCAC	58A	.0118
<u>License Renewal; Penalty for Operating While License Expired</u> Amend/*	21	NCAC	58A	.0503
<u>Active and Inactive License Status</u> Amend/*	21	NCAC	58A	.0504
<u>Provisional Broker to be Supervised by Broker</u> Amend/*	21	NCAC	58A	.0506
<u>Licensing of Persons Licensed in Another Jurisdiction</u> Amend/*	21	NCAC	58A	.0511
<u>Procedures for Requesting Hearings When Applicant's Chara...</u> Amend/*	21	NCAC	58A	.0616
<u>Application for Payment</u> Amend/*	21	NCAC	58A	.1401

PROPOSED RULES

<u>Multiple Claims</u> Amend/*	21	NCAC 58A .1402
<u>Notice of Hearing: Order/Pay't from/Real Estate Education ...</u> Amend/*	21	NCAC 58A .1403
<u>Exhausted Liability Limits</u> Amend/*	21	NCAC 58A .1404
<u>Applicability</u> Adopt/*	21	NCAC 58A .2201
<u>Standards</u> Adopt/*	21	NCAC 58A .2202

The rules in Subchapter 58B deal with time shares including time share project registration (.0100); public offering statement (.0200); cancellation (.0300); time share sales operation (.0400); handling and accounting of funds (.0500); project broker (.0600); and time share forms (.0700)

<u>Registration Fee</u> Amend/*	21	NCAC 58B .0102
<u>Renewal of Time Share Project Registration</u> Amend/*	21	NCAC 58B .0103

RECREATIONAL THERAPY LICENSURE, BOARD OF

The rules in Chapter 65 cover the practice of recreational therapy including general provisions (.0100); requirements for practice (.0200); requirements for licensure (.0300); application (.0400); fees (.0500); license renewal requirements (.0600); reinstatement (.0700); inactive status (.0800); reciprocity (.0900); and revocation, suspension or denial of licensure (.1000).

<u>Continuing Education Requirements for Licensed Recreation...</u> Amend/*	21	NCAC 65 .0601
<u>Renewal Requirements for Licensed Recreational Therapist ...</u> Amend/*	21	NCAC 65 .0602
<u>Endorsement</u> Amend/*	21	NCAC 65 .0901

CONTESTED CASE DECISIONS

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

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u>			
James Ivery Smith, Ivy Lee Armstrong v. ABC Commission	11 ABC 08266	04/12/12	
Trawick Enterprises LLC v. ABC Commission	11 ABC 08901	05/11/12	27:01 NCR 39
Dawson Street Mini Mart Lovell Glover v. ABC Commission	11 ABC 12597	05/23/12	
ABC Commission v. Christian Broome Hunt T/A Ricky's Sports Bar and Grill	11 ABC 13161	05/03/12	
Alabarati Brothers, LLC T/A Day N Nite Food Mart, v. ABC Commission	11 ABC 13545	05/01/12	
Playground LLC, T/A Playground v. ABC Commission	11 ABC 14031	05/16/12	27:01 NCR 64
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	11 ABC 14036	07/05/12	
ABC Commission v. D's Drive Thru Inc. T/A D's Drive Thru	12 ABC 00060	05/29/12	
ABC Commission v. Choudhary, LLC T/A Speedway	12 ABC 00721	05/01/12	
ABC Commission v. Dos Perros Restaurant LLC T/A Dos Perros Restaurant	12 ABC 05312	09/25/12	
ABC Commission v. Bobby Warren Joyner T/A Hillsdale Club	12 ABC 06153	11/06/12	
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	12 ABC 07260	12/11/12	
ABC Commission v. Fat Cats Grill and Oyster Bar Inc, T/A Fat Cats Grill and Oyster Bar	12 ABC 08988	12/19/12	
<u>DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY</u>			
Brian J. Johnson v. Department of Public Safety Victim Services	12 CPS 01664	12/21/12	
George H. Jagers, III v. Crime Victims Compensation Commission	12 CPS 01693	11/01/12	
Teresa Herbin v. Department of Public Safety Victim Services	12 CPS 03680	08/10/12	
Jacqueline M Davis victim-Antonio T Davis v. Dept. of Public Safety	12 CPS 05919	11/06/12	
Demario J. Livingston v. Dept. of Public Safety Victim Services	12 CPS 06245	10/19/12	
Shirley Ann Robinson v. N.C. Crime Victims Compensation Commission	12 CPS 07601	12/07/12	
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>			
Stonethrow Group Home Medicaid Provider #6603018 Owned by Alberta Professional Services Inc v. DHHS, Division of Mental Health/Development Disabilities/ Substance Abuse, and DMA	09 DHR 05790	01/11/13	
Bright Haven Residential and Community Care d/b/a New Directions Group Home v. Division of Medical Assistance, DHHS	10 DHR 00232	04/27/12	
Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home, v. DHHS/Division of Health Service Regulation, Adult Care Licensure Section	10 DHR 01666	05/18/12	
Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home v. DHHS, Division of Health Service Regulation, Adult Care Licensure and Certification Section	10 DHR 05801	05/18/12	
Gold Care Inc. Licensee Hill Forest Rest Home Warren W. Gold v. DHHS, Adult Care	10 DHR 05861	05/18/12	

CONTESTED CASE DECISIONS

Licensure Section			
Robert T. Wilson v. DHHS, DHR	10 DHR 07700	01/29/13	
Mary Ann Barnes v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 6488	07/16/12	
Comprehensive PT Center v. DHHS, Division of Medical Assistance	11 DHR 9197	08/14/12	27:12 NCR 1204
Cherry's Group Home, Alphonso Cherry v. DHR Michelle Elliot	11 DHR 09590	07/12/12	
Leslie Taylor v. DHHS, Division of Health Regulation	11 DHR 10404	10/19/12	
Powell's Medical Facility and Eddie N. Powell, M.D., v. DHHS, Division of Medical Assistance	11 DHR 01451	03/05/12	27:01 NCR 75
Julie Sadowski v. DHHS, Division of Health Service Regulation	11 DHR 01955	04/03/12	
Carlos Kendrick Hamilton v. DHHS, Division of Social Services	11 DHR 11161	10/16/12	27:16 NCR 1679
Teresa Diane Marsh v. DHHS, Division of Health Service Regulation	11 DHR 11456	04/27/12	
Betty Parks v. Division of Child Development, DHHS	11 DHR 11738	06/20/12	
Lorrie Ann Varner v. DHHS, Regulation Health Care Personnel Registry Section	11 DHR 11867	08/02/12	
Brenda Brewer v. DHHS, Division of Child Development	11 DHR 12064	08/03/12	27:12 NCR 1210
Timothy John Murray v. DHHS, Division of Health Service Regulation	11 DHR 12594	06/15/12	
Holly Springs Hospital II, LLC v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Harnett Health System, Inc. and WakeMed	11 DHR 12727	04/12/12	27:04 NCR 486
Rex Hospital, Inc., v. DHHS, Division of Health Service Regulation, CON Section and WakeMed, Holly Springs Hospital II, LLC, and Harnett Health System, Inc.	11 DHR 12794	04/12/12	27:04 NCR 486
Harnett Health System, Inc., v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Holly Springs Hospital II, LLC, and WakeMed	11 DHR 12795	04/12/12	27:04 NCR 486
WakeMed v. DHHS, Division of Health Service Regulation, CON Section and Holly Springs Hospital II, LLC, Rex Hospital, Inc., and Harnett Health System, Inc	11 DHR 12796	04/12/12	27:04 NCR 486
Sandra Ellis v. DHHS	11 DHR 12959	07/11/12	
Vendell Haughton v. DHHS, Division of Medical Assistance	11 DHR 13616	07/05/12	
Tarsand Denise Morrison v. DHHS, Division of Health Service Regulation	11 DHR 13906	07/11/12	
Care Well of Charlotte Inc, Joy Steele v. DHHS	11 DHR 13909	08/02/12	
Carrie's Loving Hands Inc. #MHL #040-047 Felicia McGee v. DHHS, DHR, Mental Health Licensure and Certification	11 DHR 14172	01/22/13	
Carrie's Loving Hands Inc. #MHL #010-047 Felicia McGee v. DHHS, DHR, Mental Health Licensure and Certification	11 DHR 14173	01/22/03	
Michael Timothy Smith, Jr. v. DHHS, Division of Health Service Regulation	11 DHR 14184	08/01/12	
John S. Won v. DHHS	11 DHR 14232	09/05/12	27:15 NCR 1547
Cynthia Tuck Champion v. DHHS, Division of Health Service Regulation	11 DHR 14283	06/15/12	
Leslie Taylor, and Octavia Carlton v. Mecklenburg County Department of Social Services Youth and Family Services Division	11 DHR 14335	10/12/12	
Lauren Stewart v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 14570	06/08/12	
Alice M. Oakley v. Division of Child Development, DHHS	11 DHR 14571	05/15/12	27:04 NCR 508
McWilliams Center for Counseling Inc., v. DHHS, Division of Mental Health, Developmental Disabilities, Substance Abuse Services, and agency of the State of NC	11 DHR 15098	11/13/12	
Althea L. Flythe v. Durham County Health Department	12 DHR 00242	05/17/12	
Jerri Long v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	12 DHR 00361	07/06/12	
Renal Advantage, Inc., v. DHHS, Division of Health Service Regulation, CON Section and DVA Healthcare Renal Care, Inc	12 DHR 00518	08/28/12	27:15 NCR 1553
Angela Moye v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	12 DHR 00642	08/23/12	27:12 NCR 1218
Jessica Lynn Ward v. DHHS	12 DHR 00643	05/17/12	
Trinity Child Care II & I v. DHHS, Division of Public Health, Child and Adult Care Food Program	12 DHR 00861	04/20/12	27:04 NCR 518
Dr. Karen J. Williams, LPC v. DHHS, Division of Medical Assistance	12 DHR 00926	09/18/12	
Faith Home Care of NC, Bonita Wright v. DHHS, DMA	12 DHR 00928	07/25/12	
Olar Underwood v. Division of Child Development and Early Education	12 DHR 00990	10/22/12	
Angela C Jackson v. DHHS	12 DHR 01097	06/19/12	
Paula N Umstead v. DHHS	12 DHR 01098	05/11/12	
Daniel W. Harris, Jr., v. DHHS, Division of Health Service Regulation	12 DHR 01138	10/19/12	
ACI Support Specialists Inc. Case #2009-4249 v. DHHS	12 DHR 01141	06/06/12	
AriLand Healthcare Service, LLC, NCMHL #018-092, Shawn Kuhl Director of Operations v. DHHS, Emery E. Milliken, General Counsel	12 DHR 01165	05/25/12	
Kenneth Holman v. DHHS	12 DHR 01244	06/05/12	
Hillcrest Resthome Inc. (\$2000 penalty) v. DHHS	12 DHR 01289	05/30/12	

CONTESTED CASE DECISIONS

Hillcrest Resthome Inc. (\$4000 penalty) v. DHHS	12 DHR 01290	05/30/12	
Vivian Barrear v. DHHS, Division of Medical Assistance DHHS	12 DHR 01296	06/06/12	
Patricia Satterwhite v. DHHS	12 DHR 01338	07/23/12	
Timothy L Durham v. DHHS, Division of Health Services Regulation	12 DHR 01396	09/04/12	
Clydette Dickens v. Nash Co DSS	12 DHR 01625	05/15/12	
Robert Lee Raines v. DHHS	12 DHR 01736	05/30/12	
Ms. Antoinette L. Williams v. DHHS	12 DHR 01739	06/15/12	
Felicia McGee Owner of Carrie's Loving Hand Inc. and Caring Arms Inc v. DHHS, DHSR Mental Health Licensure Certification	12 DHR 01796	01/22/13	
Tricia Watkins v. DHHS, Division of Medical Assistance, Office of Medicaid TLW- Auditing Office	12 DHR 01807	06/01/12	
First Path Home Care Services Gregory Locklear v. DHHS	12 DHR 01878	06/22/12	
Patriotic Health Care Systems, LLC v. DHHS	12 DHR 02105	09/19/12	
John and Christina Shipman v. DHHS	12 DHR 02107	07/24/12	
Team Daniel, LLC v. DHHS, DMA	12 DHR 02162	09/11/13	27:16 NCR 1696
Leslie Taylor, Octavia Carlton, Paula Carlton	12 DHR 02217	08/31/12	
Madeline Brown v. DHHS, Division of Health Service Regulation	12 DHR 02257	06/01/12	
Evelyn Evans v. DHHS, Division of Health Service Regulation	12 DHR 02258	07/02/12	
Shannon Santimore v. DHHS, Division of Public Health, Epidemiology Section	12 DHR 02348	12/20/12	
Precious Haven Inc. Melissa McAllister v. DHHS, Program Integrity	12 DHR 02430	05/18/12	
Michael and Jamie Hart v. Davidson County, Department of Social Services	12 DHR 02542	07/03/12	
Annamae R. Smith v. DHHS, Division of Medical Assistance	12 DHR 02657	11/05/12	
Our Daily Living, Christopher OnWuka, Director v. DHHS	12 DHR 02777	10/17/12	
Jessica L Thomas v. Randolph County DSS	12 DHR 02955	07/24/12	
Moses E Shoffner v. DHHS, Division of Child Development	12 DHR 03459	08/15/12	
Marco Evans v. DHHS, Division of Health Service Regulation	12 DHR 04110	07/30/12	
James C. Bartley v. DHHS, DMA	12 DHR 04116	07/25/12	
Estate of Mary P Lipe Medicaid ID #901463645S Alvena C Heggins v. DHHS, DMS (DHHS Medicaid)	12 DHR 04260	01/16/13	
LaBrenda Jane Elliot v. DHHS, Division of Medical Assistance	12 DHR 04993	09/24/12	
James Johnson v. DHHS, Division of Health Service Regulation	12 DHR 05148	09/11/12	
Cathy Crosland v. DHHS, Division of Health Service Regulation	12 DHR 05610	08/06/12	
Southern Living Home Care Agency Inc., v. DHHS	12 DHR 05864	11/06/12	
Beverly Coleman v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	12 DHR 05961	09/05/12	
Dwight William Osborne v. Glana M Surles, DHHS (Medicaid)	12 DHR 05693	09/14/12	
Gregory Howard v. Health Care Personnel Registry	12 DHR 06157	09/07/12	
Harrison E Shell Jr v. Wake County Human Services	12 DHR 06203	08/28/12	
Valtina Bronson v. DHHS, Division of Health Service Regulation	12 DHR 06365	08/29/12	
Danny Skipper AKA Danny Skipper v. DHHS, Division of Health Services Regulation	12 DHR 06403	10/22/12	
Stalin Bailon v. Department of Social Services	12 DHR 06528	10/17/12	
Tonya Diane Warfield v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	12 DHR 06682	01/07/13	
Our Daily Living, Christopher OnWuka, Director v. DHHS	12 DHR 06683	10/17/12	
Darina Renee Ford v. DHHS	12 DHR 07166	11/19/12	
Marquis Gerade Harrell v. DHHS, Health Care Personnel Registry, Leslie Chabet	12 DHR 07170	10/23/12	
KMG Holdings Inc. – The Lighthouse II of Clayton MHL #051-138 v. DHHS, Division of Health Licensure and Certification	12 DHR 07292	11/08/12	
Denise Marie Shear v. DHHS, Division of Health Service Regulation	12 DHR 07547	11/07/12	
Terique Epps, Family Legacy Mental Health Services DBA Task Inc v. DHHS and PBH	12 DHR 07616	11/09/12	
Angela Mackey v. DHHS, Division of Health Service Regulation	12 DHR 07619	10/05/12	
Eloise Dowtin v. The Emmanuel Home IV v. Division of Health Service Regulation	12 DHR 07620	11/06/12	
Orlando Stephen Murphy v. DHHS, DHSR, Health Care Personnel	12 DHR 07640	02/05/13	
Yolanda McKinnon v. DHHS	12 DHR 07711	01/11/13	
Koffi Paul Aboagye v. DHHS, Division of Health Service Regulation	12 DHR 07731	11/20/12	
Mark Thomas v. DHHS, Division of Health Service Regulation	12 DHR 07853	01/04/13	
Daniel Saft, A+ Residential Care (MHL #092-811) v. DHHS, DHSR, Mental Health Licensure and Certification Section	12 DHR 08197	01/16/13	
Ronald Dixon v. Division of Child Development, DHHS	12 DHR 08446	11/14/12	
Jah Mary Weese v. DHHS, Division of Health Service Regulation	12 DHR 08672	01/09/13	
White Oak Homes II Inc., Lisa Atkinson v. DHHS, Mental Health Licensure and Certification Section, Division of Health Service	12 DHR 08994	02/08/13	
Carolyn Ragin v. DHHS, Division of Health Services Regulation	12 DHR 09373	12/18/12	
April Hood-Baker v. DHHS, DMA Glana M Surles	12 DHR 09489	01/15/13	
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Carolyn A. Green v. UNC Hospitals 12 UNC 02259 09/19/12

Annie E. Jarrett v. UNC Hospitals 12 UNC 03716 10/09/12

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Elonnie Alston v. UNC Hospitals 12 UNC 04551 09/11/12

Diara Z Andrews v. UNC Hospitals 12 UNC 04827 08/15/12

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Tracy A. Spaine (Currier) v. UNC Hospitals 12 UNC 06822 11/06/12