

# NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 24 • Pages 2209 – 2247

June 15, 2023

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2023 – December 2023

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	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/14/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/14/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## 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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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.

Notice of Public Hearing for amendments to 21 NCAC 66 .0206, proposed rules 21 NCAC 66 .0901-.0905, and amendments to 21 NCAC 66 .0108 published in NC Register, Volume 37, Issue 21, May 1, 2023.

Date: 6/30/2023

Time: 9:00 am

Location: NC Veterinary Medical Board, 1611 Jones Franklin Road, Suite 106, Raleigh, NC.

Interested parties may also attend virtually via <https://us02web.zoom.us/j/9593847865>.

Information concerning the meeting may be viewed at [www.ncvmb.org](http://www.ncvmb.org).

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Ashley's Carolina Cars LLC

Applicant's Address: 3210 Motorsports Ln Unit 8 Charlotte, NC 28269

Application Date: 05/10/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: Ashley Botero & Christopher Botero

**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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .2611-.2616, and amend the rules cited as 10A NCAC 09 .0102, .0601, .1707, .1725, .2204, .2206 and .2209.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://ncchildcare.ncdhhs.gov/Whats-New>

**Proposed Effective Date:** November 1, 2023

**Public Hearing:**

**Date:** July 24, 2023

**Time:** 9:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=m9b150039e29c443c39987ea641ca10b9>

**Reason for Proposed Action:** The Child Care Commission proposes the following adoptions and amendments to rules in 10A NCAC 09:

**Rule .0102(4)** – Amendment defines “asbestos hazard” that will be used throughout the rest of this Section.

**Rule .0102(33)** -The proposed amendments to Item (33) brings the rule into compliance with S.L. 2022-71, which increased the options for individuals to receive their early childhood qualifications from DCDEE. It’s adding equivalency options that include but do not have to be limited to the CDA and a test out for the NCECC.

**Rule .0601(f)** is being amended to include the specific requirement that child care centers must be free of asbestos hazards. This is in addition to the existing specific requirement that they be free of lead poisoning hazards.

The proposed amendment to **Rule .1707(1)** is to clarify that family care homes are not required to have an “exit at grade.” This amendment will resolve a perceived contradiction with Rule .1719, that could be interpreted such that a family child care home would have to be built on a slab and have no steps leading up to a porch or to a front door. This may be perceived as contradicting Rule .1719(a)(29) which lays out safety requirements for family child care homes which have outdoor stairs (“Indoor and outdoor stairs with more than two steps that are used by the children shall be railed.”) This could incorrectly be perceived as a barrier to licensure for persons interested in licensing a family care home. DCDEE consulted with the Department of Insurance, and they agree with the new language.

Amendments to **.1707(2)** include the requirement that family child care homes must be free of asbestos hazards (in addition to lead poisoning hazards).

**.1725(2)** amendments will require that drinking water be tested for lead in licensed family care homes within 12 months of the effective date of the rule.

**.2204(3)** – Amendments will clarify that the time period permitted for a facility to correct a hazard applies to asbestos as well as lead. This addition is supportive of current policies and practices already in place regarding administrative actions for lead poisoning hazards in support of sanitation rule 15A NCAC 18A .2816.

**.2206(4)** – This rule is being amended to include lead and asbestos separately to clarify action taken when a facility has not completed the required testing for lead and asbestos.

**.2209(10)** – adds a factor for revocations for not correcting the violation outlined in a previously issued suspension when the violation has not been corrected after twelve months.

Proposed rules in Section .2600 Flex Plex Model Facility, is in response to a petition for rulemaking received from the Yadkin County Expansion Team to allow the licensing of an alternative child care facility model. Once adopted, the model will be an option available to any interested prospective child care center owner throughout NC. The proposed rules will add an option that allows for independently licensed child care providers to operate within one building.

Proposed adoptions of **10A NCAC 09 .2611-.2616** are as follows:

**.2611** – Scope. Defines the scope of the proposed rules as applying only to Flex Plex model facilities.

**.2612** – Definition. Defines the term “Flex Plex Model” as one building with multiple licensed units, each with a separate owner and entrance and each having its own physical and mailing address.

**.2613** – Licensure. Clarifies the responsibilities of the Division to make one or more inspections to each unit within the building and issue individual licenses.

**.2614** – Outdoor Space. Allows each of the individually owned units to share outdoor space provided the space requirements in both 10A NCAC 09 .1402 and .2809 are in compliance as well as all other outdoor area requirements as defined in 10A NCAC 09 .0605. In addition, the rule clarifies applicable staff/child ratios and group sizes must be maintained.

**.2615** – Staff/Child Ratios. The staff/child ratios and group sizes in the proposed rule are identical to the staff/child ratios and group sizes currently in 10A NCAC 09 .0713. Under the existing rules, the current staff/child ratios applicable to a center this size also have corresponding rules that limit the times children can be grouped together

and the ages of children that can be grouped together. This poses a barrier to the Flex Plex model. For this type of model to be successful, children must be able to be served in a multi-age setting. As such, the proposed rule differs from existing rule 10A NCAC 09 .0713 in that it eliminates these time and age grouping limits.

**.2616 – Provider Qualifications.** *This proposed rule references requirements in existing child care rules and statutes, with an exception for the administrative hours required by 10A NCAC 09 .0714(a). The proposed rule allows for one person to serve as both the administrator and lead teacher in each unit rather than having both an administrator and a lead teacher, as is required by existing rules for nonresidential centers. This aspect of the proposed Flex Plex model is more similar to a residential center, in which one person performs the duties of both the administrator and the lead teacher.*

**Comments may be submitted to:** *Dedra Alston, 333 Six Forks Road, Raleigh, NC 27609; phone (919) 814-6307; fax (919) 715-0970; email Dedra.Alston@dhhs.nc.gov*

**Comment period ends:** *August 14, 2023*

**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 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected**
- Local funds affected**
- Substantial economic impact (>= \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**

**CHAPTER 09 - CHILD CARE RULES**

**SECTION .0100 - DEFINITIONS**

**10A NCAC 09 .0102 DEFINITIONS**

The terms and phrases used in this Chapter are defined as follows except when the context of the rule requires a different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

- (1) "Activity area" means a space that is accessible to children and where related equipment and materials are kept in accordance with G.S. 110-91(12).
- (2) "Agency" as used in this Chapter means Division of Child Development and Early Education, Department of Health and Human

Services located at 333 Six Forks Road, Raleigh, North Carolina 27609.

- (3) "Appellant" means the person or persons who request a contested case hearing.
- (4) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40 C.F.R. 763.88(b)(1)-(6).
- ~~(4)~~(5) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project.
- ~~(5)~~(6) "Biocontaminant" means blood, bodily fluids, or excretions that may spread infectious disease.
- ~~(6)~~(7) "Child Care Center" means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This does not include arrangements described in Item (18) of this Rule regarding Family Child Care Homes.
- ~~(7)~~(8) "Child Care Facility" means child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
- ~~(8)~~(9) "Child care provider" as defined by G.S. 110-90.2(a)(2) includes the following employees who have contact with the children in a child care program:
  - (a) facility directors;
  - (b) child care administrative staff;
  - (c) teachers;
  - (d) teachers' aides;
  - (e) substitute providers;
  - (f) uncompensated providers;
  - (g) cooks;
  - (h) maintenance personnel; and
  - (i) drivers.
- ~~(9)~~(10) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- ~~(40)~~(11) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidenced-based, and with a reading component.
- ~~(44)~~(12) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.



- ~~(12)~~(13) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- ~~(13)~~(14) "Domains" means the developmental areas of learning described in the North Carolina Foundations for Early Learning and Development © 2013, available on the Division's website at [https://ncchildcare.nc.gov/providers/pv\\_foundations.asp](https://ncchildcare.nc.gov/providers/pv_foundations.asp). This instrument is incorporated by reference and does not include subsequent editions. The domains address children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development.
- ~~(14)~~(15) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.
- ~~(15)~~(16) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer, 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at [http://www.teacherscollegepress.com/assessment\\_materials.html](http://www.teacherscollegepress.com/assessment_materials.html). [https://www.tpress.com/search?search\\_term=assessment+materials](https://www.tpress.com/search?search_term=assessment+materials). The cost of this scale is ~~twenty-four~~ ~~twenty-five~~ dollars and ninety-five cents (~~\$24.95~~; ~~\$25.95~~). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours. For the purposes of this Rule, "regular business hours" for the Division means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.
- ~~(16)~~(17) "Experience working with school-age children" means working with school-age children as a child care administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.
- ~~(17)~~(18) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford, 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three or more points for the program standards of a rated license. This instrument is incorporated by

reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at

[http://www.teacherscollegepress.com/assessment\\_materials.html](http://www.teacherscollegepress.com/assessment_materials.html). [https://www.tpress.com/search?search\\_term=assessment+materials](https://www.tpress.com/search?search_term=assessment+materials). The cost of this scale is ~~twenty-four~~ ~~twenty-five~~ dollars and ninety-five cents (~~\$24.95~~; ~~\$25.95~~). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.

- ~~(18)~~(19) "Family Child Care Home" means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. Family child care home operators must reside at the location of the family child care home.
- ~~(19)~~(20) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.
- ~~(20)~~(21) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and in this Chapter, using space the Division has identified for each group.
- ~~(21)~~(22) "Health care professional" means:
- (a) a physician licensed in North Carolina;
  - (b) a nurse practitioner approved to practice in North Carolina; or
  - (c) a licensed physician assistant.
- ~~(22)~~(23) "Household member" means a person who resides in a family home as evidenced by factors including maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.
- ~~(23)~~(24) "If weather conditions permit" means:
- (a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <http://idph.iowa.gov/Portals/1/Files/HCCI/weatherwatch.pdf>; and is incorporated by reference and includes subsequent editions and amendments;

- (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at <https://www.deq.nc.gov/mitigation-services/publicfolder/library/news/brochures/air-quality-color-guide/download>; or call 1-888-RU4NCAIR (1-888-784-6224); and
- (c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.
- ~~(24)~~(25) "Infant" means any child from birth through 12 months of age.
- ~~(25)~~(26) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than 30 months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at [http://www.teacherscollegepress.com/assessment\\_materials.html](http://www.teacherscollegepress.com/assessment_materials.html). [http://www.tcpress.com/search?search\\_term=assessment+materials](http://www.tcpress.com/search?search_term=assessment+materials). The cost of this scale is ~~twenty-four~~ ~~twenty-five~~ dollars and ninety-five cents (~~\$24.95~~) (~~\$25.95~~). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.
- ~~(26)~~(27) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation and administered by the North Carolina Child Care Health and Safety Resource Center for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger. Information regarding trainer and training availability can be found on the Division's website at [http://ncchildcare.ncdhhs.gov/providers/pv\\_its\\_sidsproject.asp](http://ncchildcare.ncdhhs.gov/providers/pv_its_sidsproject.asp).
- ~~(27)~~(28) "Lead Teacher" means an individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility. A lead teacher is counted in staff/child ratio, has unsupervised

- contact with children, and is monetarily compensated by the facility.
- ~~(28)~~(29) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of a facility is the licensee.
- ~~(29)~~(30) "Lockdown drill" means an emergency safety procedure in which occupants of the facility remain in a locked indoor space and is used when emergency personnel or law enforcement determine a dangerous person is in the vicinity.
- ~~(30)~~(31) "North Carolina Early Childhood Administration Credential" means the state early childhood administration credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Administration Credential Coursework. A copy of the North Carolina Early Childhood Administration Credential requirements is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <http://ncchildcare.ncdhhs.gov/providers/credential.asp>.
- ~~(31)~~(32) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:
  - (a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010; or
  - (b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.
 Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE Scale is designed for individuals working with or on behalf of children ages birth to five. The SA Scale is designed for individuals working with or on behalf of children ages 5 to 12 who are served in school age care settings. Information on the voluntary certification process can be found on the North Carolina Institute for Child Development Professionals website at

<http://ncicdp.org/certification-licensure/eec-overview/>.

~~(32)~~(33) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any ~~NC~~ North Carolina Community College. ~~Other post secondary curriculum coursework equivalences shall be approved by the Division as equivalent if the Division determines that the content of the other post secondary curriculum coursework or other pathways are offered is substantially equivalent to the NC North Carolina Early Childhood Credential Coursework.~~ Coursework. Equivalent coursework shall include, but not be limited to:

- (a) a currently active Child Development Associate Credential from the Council for Professional Recognition, a Certified Child Care Professional Credential from the National Early Childhood Program Accreditation, or a Montessori Credential from any of the Montessori Accreditation Council for Teacher Education, American Montessori Society, National Center for Montessori Education, or Association Montessori Internationale; or
- (b) a passing score on a test developed by the early childhood faculty of the North Carolina Community College System designed to demonstrate an individual's mastery of the concepts taught in early childhood coursework taken at any North Carolina community college.

A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <http://ncchildcare.ncdhhs.gov/providers/credential.asp>.

~~(33)~~(34) "Operator" means the owner, director, or other person having responsibility for operation of a child care facility subject to licensing.

~~(34)~~(35) "Owner" means any person with a five percent or greater equity interest in a child care facility; however, stockholders of corporations who own child care facilities shall not be subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.

~~(35)~~(36) "Parent" means a child's parent, legal guardian, or full-time custodian.

~~(36)~~(37) "Passageway" means a hall or corridor.

~~(37)~~(38) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.

~~(38)~~(39) "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.

~~(39)~~(40) "Preschooler" or "preschool-age child" means any child who is at least three years of age and does not fit the definition of school-age child in this Rule.

~~(40)~~(41) "Reside" refers to any person that lives at a child care facility location. Factors for determining residence include:

- (a) use of the child care facility address as a permanent address for personal identification or mail delivery;
- (b) use of the child care facility to store personal belongings such as furniture, clothing, and toiletry items; and
- (c) names listed on official documents such as criminal records or property tax records.

~~(44)~~(42) "School-Age Care Environment Rating Scale, Updated Edition" (Harms, Jacobs, and White, 2014, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teacher College Press website at ~~[https://www.teacherscollegepress.com/assessment\\_materials.html](https://www.teacherscollegepress.com/assessment_materials.html)~~ [https://www.tcpress.com/search?search\\_term=assessment+materials](https://www.tcpress.com/search?search_term=assessment+materials). The cost of this scale is ~~twenty-four~~ twenty-five dollars and ninety-five cents ~~(\$24.95)~~ (\$25.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.

~~(42)~~(43) "School-age child" means any child who is attending or who has attended a public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.

~~(43)~~(44) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

~~(44)~~(45) "Shelter-in-Place drill" means staying in place to take shelter rather than evacuating. It involves selecting a small interior room, with no or few windows, and used when emergency

personnel or law enforcement determine there is an environmental or weather related threat.

~~(45)~~(46) "Staff" or "staff member" as used in this Chapter includes child care providers, substitute providers, and uncompensated providers. Volunteers, as defined in this Rule, are not staff members.

~~(46)~~(47) "Substitute provider" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months and may or may not be monetarily compensated by the facility. Any substitute provider must be at least 18 years of age and literate.

~~(47)~~(48) "Teacher" means an individual who assists the Lead Teacher in planning and implementing the daily program of activities for a group of children in a child care facility. A teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.

~~(48)~~(49) "Teacher's aide" or "Aide" means a person who assists the lead teacher or the teacher in planning and implementing the daily program. A teacher's aide shall be at least 16 years old and less than 18 years old, shall be literate, and may count in staff/child ratio as long as there is also a credentialed staff person who is at least 21 years of age present in the room and available to respond to the needs of the teacher's aide and children in care.

~~(49)~~(50) "Toddler" means any child ages 13 months to 35 months of age.

~~(50)~~(51) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.

~~(51)~~(52) "Uncompensated provider" means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. Any uncompensated provider must be at least 18 years of age and literate.

~~(52)~~(53) "Volunteer" means a person who works in a child care facility and is not counted in staff/child ratio, does not have unsupervised contact with children, and is not monetarily compensated by the facility. A person who is at least 13 years of age, but less than 16 years of age, may work on a volunteer basis, as long as he or she is supervised by and works with a staff person who is at least 21 years of age and meets staff qualification requirements.

Authority G.S. 110-85; 110-88; 110-90.2; 143B-168.3.

**SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS**

**10A NCAC 09 .0601 SAFE ENVIRONMENT**

(a) A safe indoor and outdoor environment shall be provided for the children in care in accordance with rules in this Section.

(b) All equipment and furnishings shall be in good repair. All commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer. For equipment and furnishings purchased after September 1, 2017, the manufacturer's instructions shall be kept on file or electronically accessible, if available.

(c) Equipment and furnishings shall be sturdy, stable, and free of hazards that may injure children including sharp edges, lead based or peeling paint, rust, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), and pinch and crush points.

(d) All equipment and furnishings not meeting the requirements of Paragraphs (b) and (c) of this Rule shall be removed from the premises immediately or made inaccessible to the children.

(e) Each child care center shall provide equipment and furnishings that are child-size or that can be adapted use by children. Chairs and tables shall be of appropriate height for the children who will be using them.

(f) Each child care center shall be free of lead poisoning hazards as defined in G.S. ~~130A-131.7(7)~~; 130A-131.7(7) and asbestos hazards.

Authority G.S. 110-91(3),(6); 143B-168.3.

**SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS**

**10A NCAC 09 .1707 BUILDING REQUIREMENTS**

The applicant shall ensure that the family child care home complies with the following requirements:

- (1) all children are kept on the ground level of exit discharge; ~~with an exit at grade~~;
- (2) all family child care homes must be free of lead poisoning hazards as defined in G.S. ~~130A-131.7(7)~~; 130A-131.7(7) and asbestos hazards;
- (3) all homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other;
- (4) all homes are provided with at least one five pound 2-A: 10-B: C type extinguisher for every 2,500 square feet of floor area;
- (5) heating appliances shall be installed and maintained according to the NC Building Code;
- (6) all indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees;
- (7) pipes or radiators that are hot enough to be capable of burning children and are accessible to the children are covered or insulated; and
- (8) children are cared for in space designated as the caregiving area on a floor plan provided by the operator to the Division as specified in 10A NCAC 09 .1709. Changes to the designated caregiving space shall be submitted to the

Division 30 days prior to the new space being used by children.

Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3.

10A NCAC 09 .1725 SANITATION REQUIREMENTS FOR FAMILY CHILD CARE HOMES

(a) To assure the health of children through proper sanitation, the family child care home operator shall:

- (1) collect and submit samples of water from each well used for the children's water supply for bacteriological analysis to the local health department or a laboratory certified to analyze drinking water for public water supplies by the North Carolina Division of Laboratory Services the North Carolina State Laboratory of Public Health every two years. Results of the analysis shall be on file in the home;
(2) collect and submit samples of water from each water outlet used for drinking or food preparation for lead analysis to the local health department or a laboratory certified to analyze for lead in drinking water by the North Carolina State Laboratory of Public Health. Results of the analysis shall be on file in the home. For operators that submit an application for licensure after the effective date of this Rule, water samples shall be collected by the operator and tested during the application process. For all other family child care homes, water samples shall be collected by the operator and tested within 12 months of the effective date of this Rule;
(3)(2) wash his or her hands prior to caring for children each day;
(4)(3) ensure that each child's hands are washed upon arrival at the home each day;
(5)(4) have sanitary toilet, diaper changing and hand washing facilities as follows:
(A) diaper changing areas shall be separate from food preparation areas;
(B) toileting areas shall have toilet tissue available at all times;
(C) all toilet fixtures shall be cleanable and in good repair;
(D) handwashing areas shall have soap and paper towels or other drying devices available at all times;
(E) diapering surfaces shall be smooth, intact, nonabsorbent and cleanable; and
(F) potty chairs and diapering surfaces shall be cleaned after each use.
(6)(5) use sanitary diapering procedures. Diapers shall be changed whenever they become soiled or wet. The operator shall:
(A) gather all supplies before placing a child on the diapering surface;

- (B) wash his or her hands before, as well as after, diapering each child;
(C) ensure the child's hands are washed after diapering the child; and
(D) place soiled diapers in a covered, leak proof container which is emptied and cleaned daily;
(7)(6) use sanitary procedures when preparing and serving food. The operator shall:
(A) wash his or her hands before and after handling food and feeding the children; and
(B) ensure the child's hands are washed before and after the child is fed;
(8)(7) wash his or her hands, and ensure the child's hands are washed, after toileting or handling bodily fluids;
(9)(8) handwashing procedures shall include:
(A) using liquid soap and water;
(B) rubbing hands vigorously with soap and water for 15 seconds;
(C) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails and between fingers;
(D) rinsing well for 10 seconds;
(E) drying hands with a paper towel or other hand drying device; and
(F) turning off faucet with a paper towel or other method without recontaminating hands;
(10)(9) refrigerate all perishable food and beverages. The refrigerator shall be in good repair and maintain a temperature of 45 degrees Fahrenheit or below. A refrigerator thermometer is required to monitor the temperature;
(11)(40) have a house that is free of rodents;
(12)(44) screen all windows and doors used for ventilation; and
(13)(42) store garbage in waterproof containers with tight fitting covers.
(b) If reusable, cloth diapers are used, place soiled cloth diaper, after disposing of feces in toilet without rinsing, in a tightly closed plastic bag or other equivalent container approved by the Division, stored out of reach of children and sent daily to the child's home to be laundered or to a laundry service.
(c) The operator shall not force children to use the toilet and the operator shall consider the developmental readiness of each child when toilet training. The operator shall provide assistance to each child to ensure proper hygiene, as needed.
(d) The operator shall ensure that clean clothes are available in the event that a child's clothes become wet or soiled. The change of clothing may be provided by the operator or by the child's parents.

Authority G.S. 110-85; 110-88; 110-91; 143B-168.3.

SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES

10A NCAC 09 .2204 PROVISIONAL CHILD CARE FACILITY LICENSE OR PROVISIONAL NOTICE OF COMPLIANCE

A provisional child care facility license or provisional notice of compliance may be issued to an operator for any period of time not to exceed 12 months in accordance with the factors listed in 10A NCAC 09 .2201(b) for, among other things, the following reasons:

- (1) a substantiation of one or more violations as a result of a complaint that do not meet the criteria for a maltreatment finding pursuant to G.S. 110-105.3(b)(3) but for which more than three months is needed to monitor for corrective action implementation;
(2) to allow a time period for correcting a violation of the building, fire, or sanitation requirements;
(3) to allow a time period for remediation of an identified lead poisoning hazard as defined in G.S. 130A-131.7(7), 130A-131.7(7) or remediation of an asbestos hazard, regardless of whether a provisional sanitation classification has been issued;
(4) to allow a time period for correction of an administratively dissolved corporation status from the North Carolina Secretary of State;
(5) when the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90;
(6) change of location of a child care facility without proper notification to the Division as specified in Rules 10A NCAC 09 .0204(b), .0403(a), and .1702(d); or
(7) pattern of noncompliance.

Authority G.S. 110-88(6); 110-90; 110-99; 143B-168.3.

10A NCAC 09 .2206 SUSPENSION

A suspension of a license or suspension of a notice of compliance may be issued to an operator in accordance with the factors listed in 10A NCAC 09 .2201(b) for a time period not to exceed one year for the following reasons:

- (1) the operator of the child care facility is a corporate entity that has been placed under revenue suspension by the North Carolina Secretary of State;
(2) when the Division has issued a provisional child care facility license or notice of compliance related to building, fire, or sanitation requirements and the operator has failed to comply;
(3) to allow a specific time period for correcting a violation of building, fire, or sanitation requirements, provided that the appropriate inspector documents that closure of the child care facility is necessary to protect health or safety of children during correction; ø

- (4) when a facility is required to test for lead poisoning hazards as defined in G.S. 130A-131.7(7) or asbestos hazards or the Division has requested such testing to determine compliance with 10A NCAC 09 .0601(f) or 10A NCAC 09 .1707(2) and an operator has failed to test for lead poisoning hazards as defined in G.S. 130A-131.7(7) or asbestos hazards; or
(4)(5) when a disapproved sanitation classification is issued to a child care facility.

The suspension of a child care facility license or suspension of a notice of compliance shall not be stayed during the pendency of an appeal.

Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3.

10A NCAC 09 .2209 REVOCATION OF A CHILD CARE FACILITY LICENSE OR AN ORDER TO CEASE OPERATION

Revocation of a child care facility license or an order to cease operation may be issued to an operator in accordance with the factors listed in 10A NCAC 09 .2201(b) for the following reasons:

- (1) child maltreatment has occurred in a child care facility and harm occurred as set forth in Rule .2201(c)(2) of this Section;
(2) more than two determinations of child maltreatment have occurred at a child care facility within three years;
(3) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 has been willful or continual as evidenced by:
(a) a pattern of noncompliance, and the operator has not made efforts to correct repeated violations or is unable to comply; or
(b) the operator has failed to comply with the terms of a corrective action plan issued with a special provisional or probationary license or notice of compliance;
(4) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 is hazardous to health or safety of children;
(5) the operator fails to comply with an implemented protection plan as set forth in G.S. 110-105.3(e);
(6) the operator falsifies information in violation of G.S. 110-91(14);
(7) the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90 and the conditions at the facility are hazardous to the health and safety of the children or staff;
(8) receipt of a disapproved sanitation classification that is not corrected with a superior or approved sanitation classification within 12 months of issuance of a Suspension as set forth in Rule .2206 of this Section; ø

- (9) the operator of the child care facility is a corporate entity that has been placed under revenue suspension from the North Carolina Secretary of State that has not been corrected within one year of issuance of a Suspension as set forth in Rule .2206 of this ~~Section~~ Section; or
- (10) the Division has suspended the child care license or notice of compliance and the violation has not been corrected after 12 months. The revocation of a child care facility license or a notice of compliance pursuant to this Section shall not be stayed during the pendency of an appeal.

<u>3 to 5 Years</u>	<u>1/15</u>	<u>25</u>
<u>5 Years and Older</u>	<u>1/25</u>	<u>25</u>

- (1) when combining age groups, the staff/child ratio for the youngest child in the group shall be maintained for the entire group;
- (2) when only one caregiver is required to meet the staff/child ratio and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties which are not direct child care responsibilities;
- (a) The unit shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or
- (b) There shall be a second adult on the premises who is available to provide emergency relief. This second adult may be a person in another licensed unit within the flex plex model or support staff within the building.

Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3.

**SECTION .2600 – CHILD CARE FOR CHILDREN WHO ARE MEDICALLY FRAGILE FLEX PLEX MODEL FACILITIES**

**10A NCAC 09 .2611 SCOPE**

The rules in this Section apply to flex plex model facilities with multiple units, licensed individually, in one building. All rules within this Chapter shall apply except as provided in this Section.

Authority G.S. 110-85; 110-86; 110-88; 110-91.

**10A NCAC 09 .2612 DEFINITION OF FLEX PLEX MODEL**

One building with multiple licensed units, each with a separate owner and entrance and each having its own physical and mailing address.

Authority G.S. 110-85; 110-86; 110-88; 110-91.

**10A NCAC 09 .2613 LICENSURE**

The Division shall make one or more inspections to each unit within the building and issue individual licenses if all applicable requirements of G.S. 110, Article 7, this Chapter, and this Section are met.

Authority G.S. 110-85; 110-86; 110-88; 110-91.

**10A NCAC 09 .2614 OUTDOOR SPACE**

Subject to the requirements in 10A NCAC 09 .0605, .1402, and .2809, the licensed units within the flex plex model may share outdoor space provided the staff/child ratios and group sizes in this Section are maintained.

Authority G.S. 110-85; 110-86; 110-88; 110-91.

**10A NCAC 09 .2615 STAFF/CHILD RATIOS**

The staff/child ratios and group sizes for children are as follows:

<u>Age of Children</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
<u>0 to 12 Months</u>	<u>1/5</u>	<u>10</u>
<u>12 to 24 Months</u>	<u>1/6</u>	<u>12</u>
<u>2 to 3 Years</u>	<u>1/10</u>	<u>20</u>

Authority G.S. 110-85; 110-86; 110-88; 110-91.

**10A NCAC 09 .2616 PROVIDER QUALIFICATIONS**

- (a) The person who has the responsibility for administration of the program and planning and implementing daily activities for the group of children in their care shall meet the requirements for an administrator and lead teacher as outlined in G.S. 110-91(8).
- (b) When meeting enhanced standards, the person who has responsibility for administration of the program and planning and implementing daily activities shall meet the lead teacher requirements outlined in 10A NCAC 09 .2819.
- (c) Additional staff within the licensed unit shall meet lead teacher or teacher requirements in Section .2800 of this Chapter as determined by their caregiving role.
- (d) The person responsible for the administration of the program and program planning does not have to meet administrative hours as required in 10A NCAC 09 .0714(a).

Authority G.S. 110-85; 110-86; 110-88; 110-91.

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*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Medical Care Commission intends to amend the rules cited as 10A NCAC 13F .1103, .1104, readopt with substantive changes the rules cited as 10A NCAC 13F .0703, .0704; 13G .0702, .0704, .1102, .1103, readopt without substantive changes the rules cited as 10A NCAC 13F .1106; 13G .1106 and repeal through readoption the rule cited as 10A NCAC 13G .0703.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless*

the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://info.ncdhhs.gov/dhsr/ruleactions.html>

**Proposed Effective Date:** January 1, 2024

**Public Hearing:**

**Date:** August 7, 2023

**Time:** 3:00 p.m.

**Location:** Dorothea Dix Park, Brown Building, Room 104, 801 Biggs Drive, Raleigh, NC 27603

**Reason for Proposed Action:** Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 13F, Licensing of Adult Care Homes of Seven or More Beds, and 10A NCAC 13G, Licensing of Family Care Homes, 97 total rules were determined as "Necessary With Substantive Public Interest," requiring readoption. At this time, nine rules are proposed for readoption. With input from stakeholders, substantive changes are proposed to six rules for readoption, two rules are proposed without substantive changes for readoption, one rule is proposed for repeal through readoption and in addition, two rules are proposed for amendment for the regulation of licensed Adult Care Homes and Family Care Homes in N.C. The secondary intent of the proposed rules is to make the rules of these two types of assisted living residences comparable, if not the same, for regulatory efficiency since they both house the same type of residents as permitted by law.

The proposed rules for licensed Adult Care Homes and Family Care Homes update the admission requirements that include the resident's admission medical examination, the medical examination form and required elements of the form, hospital discharge instructions and orders, mental health or psychiatric follow up care needs for residents, and readmission following hospitalization. The proposed rules add the requirement to include the resident for review of the Resident Contract and the completion of the Resident Register, update resident contract information, clarify the process for issuing a 30-day notice of a change in charges for resident services and accommodations, and reference the N.C. General Statute for house rules compliance. The proposed rules revise the process for the verification of a resident's personal funds transaction and needs allowance statements, and clarify the business process for these actions. The requirements in Rule 10A NCAC 13G .0703 were relocated and combined in proposed Rule 10A NCAC 13G .0704. Therefore, this rule is proposed for repeal through readoption because it is unnecessary. The proposed rules add definitions for a physician extender, cost of care, and an authorized representative. In addition, technical changes were made to the proposed text,

repealed statutory references were removed, rule references were updated, unneeded text was removed, and clarifying text changes were made to these proposed rules.

**Comments may be submitted to:** Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email [DHSR.RulesCoordinator@dhhs.nc.gov](mailto:DHSR.RulesCoordinator@dhhs.nc.gov)

**Comment period ends:** August 14, 2023

**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 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 13 - NC MEDICAL CARE COMMISSION**

**SUBCHAPTER 13F – LICENSING OF ADULT CARE HOMES OF SEVEN OR MORE BEDS**

**SECTION .0700 - ADMISSION AND DISCHARGE**

**10A NCAC 13F .0703 TUBERCULOSIS TEST, MEDICAL EXAMINATION AND IMMUNIZATIONS**

(a) Upon admission to an adult care home each resident shall be tested for tuberculosis disease in compliance with the control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205 including subsequent amendments and editions. ~~Copies of the rule are available at no charge by contacting the Department of Health and Human Services, Tuberculosis Control Program, 1902 Mail Service Center, Raleigh, North Carolina 27699 1902.~~

(b) Each resident shall have a medical examination completed by a licensed physician or physician extender prior to admission to the facility and annually thereafter. For the purposes of this Rule, "physician extender" means a licensed physician assistant or licensed nurse practitioner. The medical examination completed prior to admission shall be used by the facility to determine if the facility can meet the needs of the resident.



~~(c) The results of the complete examination required in Paragraph (b) of this Rule are to be entered on the FL-2, North Carolina Medicaid Program Long Term Care Services, or MR-2, North Carolina Medicaid Program Mental Retardation Services, which shall comply with the following:~~

- ~~(1) The examining date recorded on the FL-2 or MR-2 shall be no more than 90 days prior to the person's admission to the home.~~
- ~~(2) The FL-2 or MR-2 shall be in the facility before admission or accompany the resident upon admission and be reviewed by the facility before admission except for emergency admissions.~~
- ~~(3) In the case of an emergency admission, the medical examination and completion of the FL-2 or MR-2 as required by this rule shall be within 72 hours of admission as long as current medication and treatment orders are available upon admission or there has been an emergency medical evaluation, including any orders for medications and treatments, upon admission.~~
- ~~(4) If the information on the FL-2 or MR-2 is not clear or is insufficient, the facility shall contact the physician for clarification in order to determine if the services of the facility can meet the individual's needs.~~
- ~~(5) The completed FL-2 or MR-2 shall be filed in the resident's record in the home.~~
- ~~(6) If a resident has been hospitalized, the facility shall have a completed FL-2 or MR-2 or a transfer form or discharge summary with signed prescribing practitioner orders upon the resident's return to the facility from the hospital.~~

The medical examination shall be completed no more than 90 days prior to the resident's admission to the facility, except in the case of emergency admission.

(d) In the case of an unplanned, emergency admission, the medical examination of the resident shall be conducted within 72 hours after admission. Prior to an emergency admission, the facility shall obtain current medication and treatment orders from a licensed physician or physician extender.

(e) The result of the medical examination required in Paragraph (b) of this Rule shall be documented on the North Carolina Medicaid Adult Care Home FL-2 form which is available at no cost on the Department's Medicaid website at <https://medicaid.ncdhhs.gov/media/6549/open>. The Adult Care Home FL-2 shall be signed and dated by the physician or physician extender completing the medical examination. The medical examination shall include the following:

- (1) resident's identification information, including the resident's name, date of birth, sex, admission date, county and Medicaid number, current facility and address, physician's name and address, a relative's name and address, current level of care, and recommended level of care;
- (2) resident's admitting diagnoses, including primary and secondary diagnoses and dates of onset;

- (3) resident's current medical information, including orientation, behaviors, personal care assistance needs, frequency of physician visits, ambulatory status, functional limitations, information related to activities and social needs, neurological status, bowel and bladder functioning status, manner of communication of needs, skin condition, respiratory status, and nutritional status including orders for therapeutic diets;
- (4) special care factors, including physician orders for blood pressure, diabetic urine testing, physical therapy, range of motion exercises, a bowel and bladder program, a restorative feeding program, speech therapy, and restraints;
- (5) resident's medications, including the name, strength, dosage, frequency and route of administration of each medication;
- (6) results of x-rays or laboratory tests determined by the physician or physician extender to be necessary information related to the resident's care needs; and
- (7) additional information as determined by the physician or physician extender to be necessary for the care of the resident.

(f) If the information on the Adult Care Home FL-2 is not clear or is insufficient, or information provided to the facility related to the resident's condition or medications after the completion of the medical examination conflicts with the information provided on the Adult Care Home FL-2, the facility shall contact the physician or physician extender for clarification in order to determine if the facility can meet the individual's needs.

(g) The results of the medical examination shall be maintained in the resident's record in accordance with Rule .1201 of this Subchapter. Discharge medication orders shall be clarified in accordance with Rule .1002(a) of this Subchapter.

(h) Upon a resident's return to the facility from a hospitalization, the facility shall obtain and review the hospital discharge summary or discharge instructions, including any discharge medication orders. If the facility identifies discrepancies between the discharge orders and current orders at the facility, the facility shall clarify the discrepancies with the resident's physician or physician extender.

~~(d)(i)~~ Each resident shall be immunized against pneumococcal disease and annually against influenza virus according to G.S. 13D-9, except as otherwise indicated in this law.

~~(e)~~ The facility shall make arrangements for any resident, who has been an inpatient of a psychiatric facility within 12 months before entering the home and who does not have a current plan for psychiatric care, to be examined by a local physician or a physician in a mental health center within 30 days after admission and to have a plan for psychiatric follow-up care when indicated.

(j) The facility shall make arrangements for a resident to be evaluated by a licensed mental health professional, licensed physician or licensed physician extender for follow-up psychiatric care within 30 days of admission or re-admission to the facility when the resident:

- (1) has been an inpatient of a psychiatric facility within 12 months prior to admission to the facility and does not have a current plan for follow-up psychiatric care; or
- (2) has been hospitalized due to threatening or violent behavior, suicidal ideation or self-harm, or other psychiatric symptoms that required hospitalization within 12 months prior to admission to the facility and does not have a current plan for follow-up psychiatric care.

for resident services and accommodations, including the cost of different levels of service, description of level of care and services, and any other charges or fees, and be provided an amended contract or an amendment to the contract for review and signature; confirmation of receipt;

(E) gratuities in addition to the established rates shall not be accepted; and

(F) the maximum monthly adult care home rate that may be charged to Special Assistance recipients is as established by the North Carolina Social Services Commission and the North Carolina General Assembly.

Authority G.S. 131D-2.16; 143B-165.

**10A NCAC 13F .0704 RESIDENT CONTRACT, INFORMATION ON HOME FACILITY, AND RESIDENT REGISTER**

(a) An adult care home administrator or ~~administrator in charge~~ or their management designee shall furnish and review with the resident or ~~responsible person~~ the resident's authorized representative as defined in Rule .1103 of this Subchapter information on the home facility upon admission and when changes are made to that information. The facility shall involve the resident in the review of the resident contract and information on the facility unless the resident is cognitively unable to participate in the discussion. A statement indicating that this information has been received upon admission or amendment as required by this Rule shall be signed and dated by each person to whom it is given and retained in the resident's record in the ~~home~~ facility. The information shall include the following:

- (1) the resident contract to which the following applies:
  - (A) the contract shall specify ~~rates~~ charges for resident services and accommodations, including the cost of different levels of service, ~~if applicable,~~ description of levels of care and services, and any other charges or fees;
  - (B) the contract shall disclose any health needs or conditions that the facility has determined it cannot ~~meet pursuant to G.S. 131D-2(a1)(4); meet;~~
  - (C) the contract shall be signed and dated by the administrator or ~~administrator in charge~~ management designee and the resident or ~~responsible person,~~ the resident's authorized representative, a copy given to the resident or ~~responsible person~~ the resident's authorized representative and a copy kept in the resident's record;
  - (D) the resident or ~~responsible person~~ the resident's authorized representative shall be notified as soon as any change is known, but not less than 30 days before the change for rate changes initiated by the facility, of any changes in the contract given a written 30-day notice prior to any change in charges

Note: Facilities may accept payments for room and board from a third party, such as family member, charity or faith community, if the payment is made voluntarily to supplement the cost of room and board for the added benefit of a private room or a private or semi-private room in a special care unit.

- (2) a written copy of all house rules, including facility policies on smoking, alcohol consumption, visitation, refunds and the requirements for discharge of residents consistent with the rules of this Subchapter, and amendments disclosing any changes in the house ~~rules;~~ rules. The house rules shall be in compliance with G.S. 131D-21;
- (3) a copy of the Declaration of Residents' Rights as found in G.S. 131D-21;
- (4) a copy of the ~~home's facility's~~ grievance procedures which that shall indicate how the resident is to present complaints and make suggestions as to the ~~home's facility's~~ policies and services on behalf of himself or herself or others; and
- (5) a statement as to whether the ~~home facility~~ has signed Form DSS-1464, Statement of Assurance of Compliance with Title VI of the Civil Rights Act of 1964 for Other Agencies, Institutions, Organizations or Facilities, and which shall also indicate that, if the home facility does not choose to comply or is found to be in non-compliance, non-compliant, the residents of the ~~home facility~~ would not be able to receive State-County Special Assistance for Adults and the home facility would not receive supportive services from the county department of social services.

(b) The administrator or ~~administrator in charge~~ their management designee and the resident or the resident's ~~responsible person~~ representative shall complete and sign the Resident Register initial assessment within 72 hours of the resident's admission to the facility ~~and revise the information on the form as needed,~~ in accordance with G.S. 131D-2.15. The facility shall involve the resident in the completion of the Resident Register unless the resident is cognitively unable to participate. The Resident Register shall include the following:

- (1) resident's identification information including the resident's name, date of birth, sex, admission date, medical insurance, family and emergency contacts, advanced directives, and physician's name and address;
- (2) resident's current care needs including activities of daily living and services, use of assistive aids, orientation status;
- (3) resident's preferences including personal habits, food preferences and allergies, community involvement, and activity interests;
- (4) resident's consent and request for assistance including the release of information, personal funds management, personal lockable space, discharge information, and assistance with personal mail;
- (5) name of the individual identified by the resident who is to receive a copy of the notice of discharge per G.S. 131D-4.8; and
- (6) resident's consent including a signature confirming the review and receipt of information contained in the form.

The Resident Register is available on the internet website, <https://info.ncdhhs.gov/dhsr/acls/pdf/resregister.pdf> ~~or at no charge from the Division of Health Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699-2708.~~ charge. The facility may use a resident information form other than the Resident Register as long as it contains at least the same information as the Resident Register. Information on the Resident Register shall be kept updated and maintained in the resident's record.

Authority 131D-2.15; 131D-2.16; 143B-165.

**SECTION .1100 – RESIDENT'S FUNDS AND REFUNDS**

**10A NCAC 13F .1103 ~~LEGAL AUTHORIZED REPRESENTATIVE OR PAYEE~~**

- (a) In situations where a resident of an adult care home is unable to manage ~~his~~ their monetary funds, the administrator shall contact a family member or the county department of social services regarding the need for ~~a legal representative or payee.~~ an authorized representative. For the purposes of this Rule, an "authorized representative" shall mean a person who is legally authorized or designated in writing by the resident to act on his or her behalf in the management of their funds. The administrator and other staff of the ~~home~~ facility shall not serve as a resident's ~~legal authorized~~ representative, payee, or executor of a will, except as indicated in Paragraph (b) of this Rule.
- (b) In the case of funds administered by the Social Security Administration, the Veteran's Administration or other federal government agencies, the administrator of the ~~home~~ facility may serve as a payee when so authorized as a legally constituted authority by the respective federal agencies.
- (c) The administrator shall give the resident's ~~legal authorized~~ representative or payee receipts for any monies received on behalf of the resident.

Authority G.S. 35A-1203; 108A-37; 131D-2.16; 143B-165.

**10A NCAC 13F .1104 ACCOUNTING FOR RESIDENT'S PERSONAL FUNDS**

- (a) To document a resident's receipt of the State-County Special Assistance personal needs allowance after payment of the cost of care, a statement shall be signed by the resident or marked by the ~~resident with two witnesses' signatures.~~ resident. If the statement is marked by the resident, there shall be one witness signature. For ~~residents who have been adjudicated incompetent, the signature of the resident's authorized representative shall be required.~~ Witnesses cannot include the staff handling the resident's personal funds transactions. The statement shall be maintained in the ~~home.~~ facility.
- (b) Upon the written authorization of the resident or ~~his legal representative or payee,~~ their authorized representative, an ~~administrator~~ administrator, or the administrator's designee may handle the personal money for a resident, provided an accurate accounting of monies received and disbursed and the balance on hand is available upon request of the resident or ~~his legal representative or payee.~~ their authorized representative during the facility's established business days and hours.
- (c) A record of each transaction involving the use of the resident's personal funds according to Paragraph (b) of this Rule shall be signed by the ~~resident, legal~~ resident of the resident's authorized representative or payee or marked by the ~~resident, if not adjudicated incompetent, with two witnesses' signatures~~ resident at least monthly verifying the accuracy of the disbursement of personal funds. If marked by the resident, there shall be one witness signature. For residents who have been adjudicated incompetent, the facility shall provide the resident's authorized representative with a copy of the monthly resident's funds statement and shall obtain verification of receipt. The ~~record~~ records shall be maintained in the ~~home.~~ facility.
- (d) A resident's personal funds shall not be commingled with facility funds. The facility shall not commingle the personal funds of residents in an interest-bearing account.
- (e) All or any portion of a resident's personal funds shall be available to the resident or ~~his legal representative or payee~~ their authorized representative upon request during ~~regular office hours,~~ the facility's established business days and hours except as provided in Rule .1105 of this ~~Subchapter.~~ Section.
- (f) The resident's personal needs allowance shall be credited to the ~~resident"~~ resident's account within 24 hours of the check being deposited following endorsement. ~~one business day of the funds being available in the facility's resident personal funds account.~~

Authority G.S. 131D-2.16; 143B-165.

**10A NCAC 13F .1106 SETTLEMENT OF COST OF CARE (READoption WITHOUT SUBSTANTIVE CHANGES)**

**SUBCHAPTER 13G – LICENSING OF FAMILY CARE HOMES**

**SECTION .0700 - ADMISSION AND DISCHARGE**

**10A NCAC 13G .0702 TUBERCULOSIS TEST AND MEDICAL EXAMINATION EXAMINATION, AND IMMUNIZATIONS**

(a) Upon admission to a family care home each resident shall be tested for tuberculosis disease in compliance with the control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205 including subsequent amendments and editions. ~~Copies of the rule are available at no charge by contacting the Department of Health and Human Services, Tuberculosis Control Program, 1902 Mail Service Center, Raleigh, North Carolina 27699-1902.~~

(b) Each resident shall have a medical examination completed by a licensed physician or physician extender prior to admission to the home and annually thereafter. For the purposes of this Rule, "physician extender" means a licensed physician assistant or licensed nurse practitioner. The medical examination completed prior to admission shall be used by the facility to determine if the facility can meet the needs of the resident.

(c) ~~The results of the complete examination are to be entered on the FL 2, North Carolina Medicaid Program Long Term Care Services, or MR 2, North Carolina Medicaid Program Mental Retardation Services, which shall comply with the following:~~

- ~~(1) The examining date recorded on the FL 2 or MR 2 shall be no more than 90 days prior to the person's admission to the home.~~
- ~~(2) The FL 2 or MR 2 shall be in the facility before admission or accompany the resident upon admission and be reviewed by the administrator or supervisor in charge before admission except for emergency admissions.~~
- ~~(3) In the case of an emergency admission, the medical examination and completion of the FL 2 or MR 2 shall be within 72 hours of admission as long as current medication and treatment orders are available upon admission or there has been an emergency medical evaluation, including any orders for medications and treatments, upon admission.~~
- ~~(4) If the information on the FL 2 or MR 2 is not clear or is insufficient, the administrator or supervisor in charge shall contact the physician for clarification in order to determine if the services of the facility can meet the individual's needs.~~
- ~~(5) The completed FL 2 or MR 2 shall be filed in the resident's record in the home.~~
- ~~(6) If a resident has been hospitalized, the facility shall have a completed FL 2 or MR 2 or a transfer form or discharge summary with signed prescribing practitioner orders upon the resident's return to the facility from the hospital.~~

The medical examination shall be completed no more than 90 days prior to the resident's admission to the facility, except in the case of emergency admission.

(d) In the case of an unplanned, emergency admission, the medical examination of the resident shall be conducted within 72 hours after admission. Prior to an emergency admission, the facility shall obtain current medication and treatment orders from a licensed physician or physician extender.

(e) The result of the medical examination required in Paragraph (b) of this Rule shall be documented on the North Carolina Medicaid Adult Care Home FL-2 form which is available at no cost on the Department's Medicaid website at <https://medicaid.ncdhhs.gov/media/6549/open>. The Adult Care Home FL-2 shall be signed and dated by the physician or physician extender completing the medical examination. The medical examination shall include the following:

- (1) resident's identification information, including the resident's name, date of birth, sex, admission date, county and Medicaid number, current facility and address, physician's name and address, a relative's name and address, current level of care, and recommended level of care;
- (2) resident's admitting diagnoses, including primary and secondary diagnoses and dates of onset;
- (3) resident's current medical information, including orientation, behaviors, personal care assistance needs, frequency of physician visits, ambulatory status, functional limitations, information related to activities and social needs, neurological status, bowel and bladder functioning status, manner of communication of needs, skin condition, respiratory status, and nutritional status including orders for therapeutic diets;
- (4) special care factors, including physician orders for blood pressure, diabetic urine testing, physical therapy, range of motion exercises, a bowel and bladder program, a restorative feeding program, speech therapy, and restraints;
- (5) resident's medications, including the name, strength, dosage, frequency and route of administration of each medication;
- (6) results of x-rays or laboratory tests determined by the physician or physician extender to be necessary information related to the resident's care needs; and
- (7) additional information as determined by the physician or physician extender to be necessary for the care of the resident.

(f) If the information on the Adult Care Home FL-2 is not clear or is insufficient, or information provided to the facility related to the resident's condition or medications after the completion of the medical examination conflicts with the information provided on the Adult Care Home FL-2, the facility shall contact the physician or physician extender for clarification in order to determine if the facility can meet the individual's needs.

(g) The results of the medical examination shall be maintained in the resident's record in accordance with Rule .1201 of this Subchapter. Discharge medication orders shall be clarified in accordance with Rule .1002(a) of this Subchapter.

(h) Upon a resident's return to the facility from a hospitalization, the facility shall obtain and review the hospital discharge summary or discharge instructions, including any discharge medication orders. If the facility identifies discrepancies between

the discharge orders and current orders at the facility, the facility shall clarify the discrepancies with the resident's physician or physician extender.

~~(d)~~(i) Each resident shall be immunized against pneumococcal disease and annually against influenza virus according to G.S. 131D-9, except as otherwise indicated in this law.

~~(e)~~ The home shall make arrangements for any resident, who has been an inpatient of a psychiatric facility within 12 months before entering the home and who does not have a current plan for psychiatric care, to be examined by a local physician or a physician in a mental health center within 30 days after admission and to have a plan for psychiatric follow-up care when indicated.

(j) The facility shall make arrangements for a resident to be evaluated by a licensed mental health professional, licensed physician or licensed physician extender for follow-up psychiatric care within 30 days of admission or re-admission to the facility when the resident:

- (1) has been an inpatient of a psychiatric facility within 12 months prior to admission to the facility and does not have a current plan for follow-up psychiatric care; or
- (2) has been hospitalized due to threatening or violent behavior, suicidal ideation or self-harm, or other psychiatric symptoms that required hospitalization within 12 months prior to admission to the facility and does not have a current plan for follow-up psychiatric care.

Authority G.S. 131D-2.16; 143B-165.

**10A NCAC 13G .0703 RESIDENT REGISTER**

Authority G.S. 131D-2.16; 143B-165.

**10A NCAC 13G .0704 RESIDENT CONTRACT AND INFORMATION ON HOME CONTRACT, INFORMATION ON FACILITY, AND RESIDENT REGISTER**

(a) The administrator or supervisor-in-charge shall furnish and review with the resident or his responsible person the resident's authorized representative as defined in Rule .1103 of this Subchapter information on the family care home facility upon admission and when changes are made to that information. The facility shall involve the resident in the review of the resident contract and information on the facility unless the resident is cognitively unable to participate in the discussion. A statement indicating that this information has been received upon admission or amendment as required by this Rule shall be signed and dated by each person to whom it is given. This statement shall be retained in the resident's record in the home facility. The information shall include: include the following:

- (1) a copy of the home's resident contract specifying rates for resident services and accommodations, including the cost of different levels of service, if applicable, any other charges or fees, and any health needs or conditions the home has determined it cannot meet pursuant to G.S. 131D 2(a1)(4). In

~~addition, the following applies: the resident contract to which the following applies:~~

(A) the contract shall specify charges for resident services and accommodations, including the cost of different levels of service, description of levels of care and services, and any other charges or fees;

(B) the contract shall disclose any health needs or conditions that the facility has determined it cannot meet;

~~(a)~~(C) The the contract shall be signed and dated by the administrator or supervisor-in-charge and the resident or his responsible person the resident's authorized representative and a copy given to the resident or his responsible person; the resident's authorized representative and a copy kept in the resident's record;

~~(b)~~(D) The the resident or his responsible person the resident's authorized representative shall be notified as soon as any change is known, but not less than 30 days for rate changes initiated by the home, of any rate changes or other changes in the contract affecting the resident services and accommodations given a written 30-day notice prior to any change in charges for resident services and accommodations, including the cost of different levels of service, description of level of care and services, and any other charges or fees, and be provided an amended copy of the contract for review and signature; confirmation of receipt;

~~(e)~~ A copy of each signed contract shall be kept in the resident's record in the home;

~~(d)~~(E) Gratuities in addition to the established rates shall not be accepted; and

~~(e)~~(F) The maximum monthly rate that may be charged to Special Assistance recipients is as established by the North Carolina Social Services Commission and the North Carolina General Assembly;

Note: Facilities may accept payments for room and board from a third party, such as family member, charity or faith community, if the payment is made voluntarily to supplement the cost of room and board for the added benefit of a private room.

- (2) a written copy of any house rules, including the conditions for the discharge and transfer of residents, the refund policies, and the home's facility's policies on smoking, alcohol

~~consumption and visitation~~ consumption, visitation, refunds, and the requirements for discharge of residents consistent with the rules in this Subchapter and amendments disclosing any changes in the house ~~rules; rules.~~ The house rules shall be in compliance with G.S. 131D-21;

- (3) a copy of the Declaration of Residents' Rights as found in G.S. 131D-21;
- (4) a copy of the ~~home's facility's~~ grievance procedures which that shall indicate how the resident is to present complaints and make suggestions as to the ~~home's facility's~~ policies and services on behalf of self or others; and
- (5) a statement as to whether the ~~home facility~~ has signed Form DSS-1464, Statement of Assurance of Compliance with Title VI of the Civil Rights Act of 1964 for Other Agencies, Institutions, Organizations or Facilities, and which shall also indicate that if the home facility does not choose to comply or is found to be in non-compliance non-compliant the residents of the ~~home facility~~ would not be able to receive State-County Special Assistance for Adults and the home facility would not receive supportive services from the county department of social services.

(b) A family care home's administrator or supervisor-in-charge and the resident or the resident's responsible person shall complete and sign the Resident Register initial assessment within 72 hours of the resident's admission to the facility in accordance with G.S. 131D-2.15. The facility shall involve the resident in the completion of the Resident Register unless the resident is cognitively unable to participate. The Resident Register shall include the following:

- (1) resident's identification information including the resident's name, date of birth, sex, admission date, medical insurance, family and emergency contacts, advanced directives, and physician's name and address;
- (2) resident's current care needs including activities of daily living and services, use of assistive aids, orientation status;
- (3) resident's preferences including personal habits, food preferences and allergies, community involvement, and activity interests;
- (4) resident's consent and request for assistance including the release of information, personal funds management, personal lockable space, discharge information, and assistance with personal mail;
- (5) name of the individual identified by the resident who is to receive a copy of the notice of discharge per G.S. 131D-4.8; and
- (6) resident's consent including a signature confirming the review and receipt of information contained in the form.

The Resident Register is available on the internet website, <https://info.ncdhhs.gov/dhsr/acls/pdf/resregister.pdf>, at no charge. The facility may use a resident information form other

than the Resident Register as long as it contains same information as the Resident Register. Information on the Resident Register shall be kept updated and maintained in the resident's record.

*Authority G.S. 131D-2.16; 143B-165.*

**SECTION .1100 – MANAGEMENT OF RESIDENT'S FUNDS AND REFUNDS**

**10A NCAC 13G .1102 ~~LEGAL AUTHORIZED REPRESENTATIVE OR PAYEE~~**

(a) In situations where a resident of a family care home is unable to manage his funds, their monetary funds the administrator shall contact a family member or the county department of social services regarding the need for a ~~legal representative or payee.~~ authorized representative. For the purposes of this Rule, an "authorized representative" shall mean a person who is legally authorized or designated in writing by the resident to act on his or her behalf in the management of their funds. The administrator and other staff of the ~~home facility~~ shall not serve as a resident's legal authorized representative, payee, or executor of a will, except as indicated in Paragraph (b) of this Rule.

(b) In the case of funds administered by the Social Security Administration, the Veteran's Administration or other federal government agencies, the administrator of the home facility may serve as a payee when so authorized as a legally constituted authority by the respective federal agencies.

(c) The administrator shall give the resident's legal authorized representative or payee receipts for any monies received on behalf of the resident.

*Authority G.S. 35A-1203; 108A-37; 131D-2.16; 143B-165.*

**10A NCAC 13G .1103 ACCOUNTING FOR RESIDENT'S PERSONAL FUNDS**

(a) To document a resident's receipt of the State-County Special Assistance personal needs allowance after payment of the cost of care, a statement shall be signed by the resident or marked by the resident with two witnesses' signatures. resident. If the statement is marked by the resident, there shall be one witness signature. For residents who have been adjudicated incompetent, the signature of the resident's authorized representative shall be required. Witnesses cannot include the staff handling the residents' personal funds transactions. The statement shall be maintained in the home facility.

(b) Upon the written authorization of the resident or his legal representative or payee, their authorized representative, an administrator or the administrator's designee may handle the personal money for a resident, provided an accurate accounting of monies received and disbursed and the balance on hand is available upon request of the resident or his legal representative or payee. their authorized representative during the facility's established business days and hours.

(c) A record of each transaction involving the use of the resident's personal funds according to Paragraph (b) of this Rule shall be signed by the resident, legal representative or payee the resident or the resident's authorized representative, or marked by the resident, if not adjudicated incompetent, with two witnesses' signatures resident, at least monthly verifying the accuracy of the

disbursement of personal funds. If marked by the resident, there shall be one witness signature. For residents who have been adjudicated incompetent, the facility shall provide the resident's authorized representative with a copy of the monthly resident's funds statement and shall obtain verification of receipt. The record records shall be maintained in the home facility.

(d) A resident's personal funds shall not be commingled with facility funds. The facility shall not commingle the personal funds of residents in an interest-bearing account.

(e) All or any portion of a resident's personal funds shall be available to the resident or ~~his legal~~ their authorized representative or ~~payee~~ upon request during ~~regular office hours~~, the facility's established business days and hours except as provided in Rule .1105 of this Subchapter.

(f) The resident's personal needs allowance shall be credited to the resident's account within ~~24 hours of the check being deposited following endorsement~~. one business day of the funds being available in the facility's resident personal funds account.

Authority G.S. 131D-2.16; 143B-165.

**10A NCAC 13G .1106 SETTLEMENT OF COST OF CARE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

Authority G.S. 35A-1203; 108A-37; 131D-2.16; 143B-165.

**TITLE 14B – DEPARTMENT OF PUBLIC SAFETY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to adopt the rule cited as 14B NCAC 16 .1109, amend the rules cited as 14B NCAC 16 .0701, .0902, .0904, .0910, and repeal the rules cited as 14B NCAC 16 .0708 and .0912.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

**Proposed Effective Date:** October 1, 2023

**Public Hearing:**

**Date:** July 11, 2023

**Time:** 2:00 p.m.

**Location:** 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

**Reason for Proposed Action:** Existing .0701(a)(3) requires only 48 months which is inconsistent with all other new credentials such as new armed guard registration, new firearms trainer, new unarmed armored car registration, new armed armored car registration and new and renewal licenses, all of which require 60 days. The Justice Academy is no longer the sole source of firearms trainer training so .0902 is amended to reflect this.

Existing .0904(a)(2) requires a 48 month background check which is inconsistent with the rule for renewing an unarmed guard trainer certificate which require 24 months. Existing .0910 (application for unarmed guard trainer) is amended to match the requirements of .0902 (application for firearms trainer.)

.0708 is being repealed since this information is uploaded as part of .0907 and .0912 is being repealed because this information is now uploaded as part of the renewal process.

The private investigator industry expressed to the Board an interest in being able to employ interns and participate in apprenticeship programs. (Since apprenticeships had not previously existed the Board did not comply with G.S. 93B-8.6 when enacted.) New .1109 allows for probationary employees, interns and apprentices.

**Comments may be submitted to:** Paul Sherwin, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

**Comment period ends:** August 14, 2023

**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 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD**

**SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)**

**14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

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

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding ~~48~~ 60 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the 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 online by the Private Protective Services Board;
- (6) one original signed SBI release of information form that shall be uploaded online with the original mailed to the Board's administrative office;
- (7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Section if applicable; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and the completed affidavit form and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.

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

(d) A copy of the statement required by Subparagraph (a)(7) 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.

**14B NCAC 16 .0708 TRAINER NAME TO BE SUBMITTED TO DIRECTOR**

Authority G.S. 74C-5; 74C-13(m).

**SECTION .0900 – TRAINER CERTIFICATE**

**14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the 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 online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of a licensee;
- (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this Section, ~~stating the training was completed within 60 days of the submission of the application and uploaded online as part of the online application process; and Section or acceptable certificate of other current certification as set forth in Rule .0901(c) and (d) of this Section; and~~
- (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice Academy and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-5; 74C-8.1(a); 74C-13.

**14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30



days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 24 months; and
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification 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 shall be furnished to the Board.

(d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13.

**14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) ~~the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with~~

~~a four dollar (\$4.00) convenience fee and credit card transaction fee; and~~

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the 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 online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- ~~(2)(6)~~ a certificate of successful completion of the required training. This training shall have been completed within 120 days of the submission of the application training required by Rule .0909(a)(3) of this Section or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.
- (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13.

**14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES**

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

**SECTION .1100 - TRAINING AND SUPERVISION FOR PRIVATE INVESTIGATOR ASSOCIATES**

**14B NCAC 16 .1109 PROBATIONARY EMPLOYEES**

(a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive calendar days. The Director, upon written request, may extend the probationary period by 30 additional days.

(b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the educational institution's schedule.

(c) A private investigator licensee may employ an apprentice participating in a North Carolina Registered Apprenticeship Program as set forth in G.S. 93B-8.6 as a probationary employee for the period prescribed in the federal guidelines as set forth therein.

(d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school, community college, college or university, be in good standing with the educational institution, and the internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

(e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

(f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure the probationary employee shall comply with Rule .1102 of this Section.

(g) Before a probationary employee engages in any activity defined as private investigation or has access to any confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising licensee, and the licensee shall conduct a criminal record check on the employee.

(h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in writing the name, address, last four digits of social security number, confirmation that the results of the criminal history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending date of employment of the probationary employee. The Director shall confirm receipt within three business days of receipt.

(i) Probationary employment which does not comply with this Rule is a violation of Rule .0204(c)(2) of this Chapter.

(j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

(k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for any probationary employment, internship, or apprenticeship.

Authority G.S. 74C-5(2); 93B-8.6.

**TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06G .0601.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa>

Proposed Effective Date: October 1, 2023

**Public Hearing:**

Date: June 30, 2023

Time: 9:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=m9c65c3d81c80aff504a1eff74a28bd3c>

**Reason for Proposed Action:** *S.L. 2022-59 enacted Chapter 234 of the General Statutes which authorizes the State Board of Education to approve local school administrative units applications to operate remote academies beginning with the 2023-24 school year. Remote academies must meet the requirements outlined in Chapter 234. G.S. 115C-234.10(b)(1) requires remote academies to provide students with any hardware and software needed to participate in the remote academy. G.S. 115C-234.10(b)(1) specifically states: "Students may not be charged rental fees but may be charged damage fees for abuse or loss of hardware or software under rules adopted by the State Board of Education." The State Board of Education has adopted this rule to define damage fees and rental fees for hardware and software provided to students enrolled in remote academies. The effect of the rule will be to permit local school administrative units to charge students for damage to school issued hardware or software.*

**Comments may be submitted to:** Thomas Ziko, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [thomas.ziko@dpi.nc.gov](mailto:thomas.ziko@dpi.nc.gov)

**Comment period ends:** August 14, 2023

**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 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION**

**SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS**

**SECTION .0600 – RMOTE ACADEMIES**

**16 NCAC 06G .0601 REMOTE ACADEMIES  
HARDWARE AND SOFTWARE FEES**

**(a) Definitions:**

(1) "Damage fee" means "any mandatory payments that a local school administrative unit charges a student enrolled in a remote academy for injury to, abuse of, or loss of hardware or software that the local school administrative unit has provided to the student other than degradation arising from normal use, wear and tear, provided the payments cannot exceed the actual cost of repair or fair market value of the hardware or software, whichever is less."

(2) "Rental fee" means "any mandatory payments that a local school administrative unit requires students enrolled in remote academies to make before the local school administrative unit will give a student access to or possession of any hardware and software needed to participate in the remote academy."

(b) Local administrative units shall not charge students enrolled in remote academies rental fees for use of hardware or software needed to participate in the remote academy but may charge them damage fees.

Authority G.S. 115C-234.10(1)(b).

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 42 – BOARD OF EXAMINERS IN OPTOMETRY**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners in Optometry intends to amend the rule cited as 21 NCAC 42B .0201.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncoptometry.org/proposed-rules>

Proposed Effective Date: October 1, 2023

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Contact the Board at (910) 285-3160 or email [janice@ncoptometry.org](mailto:janice@ncoptometry.org)

Reason for Proposed Action: The Board needs to know any location where a licensee is practicing prior to seeing patients.

Comments may be submitted to: Janice Peterson, 521 Yopp Rd., Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email [janice@ncoptometry.org](mailto:janice@ncoptometry.org)

Comment period ends: August 14, 2023

**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 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE OPTOMETRY**

**SECTION .0200 - RESPONSIBILITY TO SUPPLY INFORMATION**

**21 NCAC 42B .0201 BEGINNING PRACTICE; RELOCATING PRACTICE**

~~Within 10 days of~~ Prior to beginning practice, a licensee shall notify the Board in writing as to the full and complete mailing address, including the street address, of his or her office and the telephone number of such office. If at any time any office is relocated, the licensee involved shall notify the Board of his or her new office address and telephone number. The address so identified shall constitute his or her primary practice address and the address to which all information pertaining to his or her licensure shall be addressed.

Authority G.S. 90-117.5.

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day.  
 This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS  
 AND COMMISSIONS**

**CHAPTER 06 – BOARD OF BARBER AND  
 ELECTROLYSIS EXAMINERS**

**Rule-making Agency:** Board of Barber and Electrolysis Examiners

**Rule Citation:** 21 NCAC 06O .0201; 06U .0101, .0106-.0110; 06Z .0101-.0110

**Effective Date:** June 1, 2023

**Date Approved by the Rules Review Commission:** May 18, 2023

**Reason for Action:** S.L. 2022-72 created the new North Carolina Board of Barber and Electrolysis Examiners. It also established G.S. 86B-65, which requires the board to issue licenses to qualifying individuals who complete an electrology apprenticeship program. Finally, it increased the fees the board could change for electrologist examinations.

**SUBCHAPTER 06O – CIVIL PENALTY**

**SECTION .0200 – ELECTROLYSIS**

**21 NCAC 06O .0201 ELECTROLOGY  
 APPRENTICESHIP PROGRAM**

(a) The presumptive civil penalty for an individual operating an electrology apprenticeship program without Board approval:

- (1) 1st offense \$300.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(b) The presumptive civil penalty for an electrology apprenticeship program if that program ~~accepting~~ accepts tuition from or enrolling enrolls a student before the Board has issued a student permit:

- (1) 1st offense \$300.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(c) The presumptive civil penalty for an individual engaging as a student in an electrology apprenticeship program before the Board has issued a student permit:

- (1) 1st offense \$200.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

(d) The presumptive civil penalty for an electrology apprenticeship program failing to comply with the facility requirements as set forth in 21 NCAC 06Z .0103:

- (1) 1st offense \$250.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(e) The presumptive civil penalty for an electrology apprenticeship program providing practical training without the student permit displayed at the electrology station:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

(f) The presumptive civil penalty for an electrology apprenticeship program providing training without an instructor present:

- (1) 1st offense \$150.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

(g) The presumptive civil penalty for an electrology apprenticeship program failing to maintain records required by ~~this Chapter:~~ 21 NCAC 06Z .0101 or 21 NCAC 06Z .0104:

- (1) 1st offense \$200.00
- (2) 2nd offense \$250.00
- (3) 3rd offense \$500.00

(h) The presumptive civil penalty for an electrology apprenticeship program falsifying records required by ~~this Chapter:~~ 21 NCAC 06U .0106, 21 NCAC 06U .0107, or 21 NCAC 06Z .0104 is \$500.00.

(i) The presumptive civil penalty for an electrology apprenticeship program failing to submit records required by ~~this Chapter:~~ 21 NCAC 06U .0107 or 21 NCAC 06Z .0104:

- (1) 1st offense \$200.00
- (2) 2nd offense \$350.00
- (3) 3rd offense \$500.00

(j) The presumptive civil penalty for an electrology apprenticeship program allowing an individual to instruct without an instructor authorization:

- (1) 1st offense \$200.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

(k) The presumptive civil penalty for an individual instructing without authorization from the Board at an electrology apprenticeship program:

- (1) 1st offense \$200.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

(l) The presumptive civil penalty for an individual failing to submit the required notification set forth in 21 NCAC 06Z .0106(c):

- (1) 1st offense \$50.00
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

*History Note:* Authority G.S. 86B-10; 86B-65; Temporary Adoption Eff. June 1, 2023.

**SUBCHAPTER 06U – ELECTROLYSIS FEES AND FORMS**

**21 NCAC 06U .0101 FEES**

- (a) The following fees are payable to the Board for licensure as an electrologist:
- |                               |          |
|-------------------------------|----------|
| (1) Application for licensure | \$150.00 |
| (2) Initial licensure         | \$125.00 |
| (3) Renewal of licensure      | \$125.00 |
- (b) The following fees are payable to the Board for licensure as a laser hair practitioner:
- |                               |          |
|-------------------------------|----------|
| (1) Application for licensure | \$125.00 |
| (2) Initial licensure         | \$125.00 |
| (3) Renewal of licensure      | \$150.00 |
- (c) The following fees are payable to the Board for certification as an instructor:
- |  |          |
|--|----------|
| (1) Application for Electrology instructor             | \$150.00 |
| (2) Renewal of Electrology instructor                  | \$125.00 |
| (3) Application for laser hair practitioner instructor | \$150.00 |
| (4) Renewal of laser hair practitioner instructor      | \$125.00 |
- (d) The following fees are payable to the Board for certification as a Board approved school:
- |  |          |
|--|----------|
| (1) IN STATE SCHOOL  |          |
| (A) Application for certification as an Electrology school                                     | \$250.00 |
| (B) Renewal of certification as an Electrology school  | \$150.00 |
| (C) Application for certification as a laser, light source,<br>or pulse light treatment school | \$250.00 |
| (D) Renewal of certification for a laser, light source,<br>or pulse light treatment school     | \$150.00 |
| (2) OUT-OF-STATE SCHOOL  |          |
| (A) Application for certification as an Electrology school                                     | \$400.00 |
| (B) Initial certification as an Electrology school   | \$100.00 |
| (C) Renewal of certification for an Electrology school   | \$100.00 |
| (D) Application for certification as a laser, light source,<br>or pulse light treatment school | \$350.00 |
| (E) Initial certification as a laser, light source,<br>or pulse light treatment school         | \$75.00  |
| (F) Renewal of certification as a laser, light source,<br>or pulse light treatment school      | \$100.00 |
- (e) The following other fees are payable to the Board:
- |  |                                     |
|--|-------------------------------------|
| (1) Electrologist Examination or reexamination                   | <del>\$125.00</del> <u>\$150.00</u> |
| (2) Office inspection or re-inspection                           |                                     |
| (A) Electrologist – per licensee, for each office site           | \$100.00                            |
| (B) Laser Hair Practitioner – per licensee, for each office site | \$100.00                            |
| (C) <u>Electrology apprenticeship program facility</u>           | <u>\$100.00</u>                     |
| (3) License by reciprocity                                       | \$125.00                            |
| (4) Late renewal charge  | \$50.00                             |
| (5) Reinstatement of expired license                             | \$250.00                            |
| (6) Reinstatement of instructor licensure                        | \$250.00                            |
| (7) Reactivation of license                                      | \$150.00                            |
| (8) Reactivation of instructor licensure                         | \$150.00                            |
| (9) Duplicate license  | \$25.00                             |
- (f) All fees shall be paid only by check, cashier check, official check, teller check, or money order, made payable to "The North Carolina Board of Barber and Electrolysis Examiners."
- (g) Renewal fees required for Subparagraphs (a)(3), (b)(3), (c)(2), (c)(4), (e)(2), and (e)(9) of this Rule shall be waived for licensees under this Chapter ~~that~~ who are exempt from renewal fees under G.S. 93B-15.

*History Note: Authority G.S. ~~88A-9; 86B-70~~; 93B-15;  
 Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1, 1992;  
 Eff. January 1, 1992;  
 Temporary Amendment Eff. September 17, 2001;  
 Amended Eff. September 1, 2015; October 9, 2010; December 4, 2002;  
 Readopted Eff. September 1, 2019;  
 Recodified from 21 NCAC 19 .0201 Eff. January 1, ~~2023~~; 2023;*

*Temporary Amendment Eff. June 1, 2023.*

**21 NCAC 06U .0106 STUDENT PERMIT FOR ELECTROLOGY APPRENTICESHIP PROGRAM**

(a) The electrology apprenticeship program shall file an application for a student permit shall be filed for to request permission to enroll in an electrology apprenticeship program. The application requires the following:

- (1) the name, address, social security number, and birth date of the applicant;
- (2) the name, address, email address, and website address of the electrology business where the apprenticeship program will occur;
- (3) the name and license number of the electrologist under whom the applicant will study;
- (4) the name of the owner of the electrology business where the apprenticeship program will occur, if the owner is different from the person listed in Subparagraph (3) of this Paragraph; and
- (5) the date when the apprenticeship program will begin.

(b) The electrology apprenticeship program shall submit the application shall be submitted to the Board at the address in 21 NCAC 06A .0102, mailing address in 21 NCAC 06A .0102(a) or website address in 21 NCAC 06A .0102(c).

*History Note: Authority G.S. 86B-65; 93B-14; Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06U .0107 MONTHLY REPORTS FOR ELECTROLOGY APPRENTICESHIP PROGRAM**

(a) The monthly report for an electrology apprenticeship program is a Board-prescribed form that shall be filed by the program instructor or facility ~~owner~~ owner at any address in 21 NCAC 06A .0102. The form shall be available at the website addresses listed in 21 NCAC 06A .0102.

(b) The monthly report shall ~~include~~ contain the following information:

- (1) the name of the electrology apprenticeship program;
- (2) the name of the student;
- (3) the month and year for which the report is filed; and
- (4) the dates and number of hours of the student's attendance, with the hours broken down by the topics in the curriculum set forth in 21 NCAC 06Z .0102.

(c) The monthly report shall be signed by the instructor, who shall attest that the contents of the report are accurate.

*History Note: Authority G.S. 86B-65; Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06U .0108 APPLICATION FOR INSTRUCTOR IN ELECTROLOGY APPRENTICESHIP PROGRAM**

(a) An application shall be filed by an individual who seeks Board authorization as an instructor in an electrology apprenticeship program. The application requires the following:

- (1) the name, address, and birth date of the applicant;
- (2) the applicant's current electrology license number; and
- (3) ~~Evidence~~ evidence that the applicant has completed of completing the Board approved continuing education as set forth in G.S. 86B-65(d)(3). G.S. 86B-65(d)(3) and approved under 21 NCAC 06Y .0102. This continuing education shall be separate from continuing education received for other licenses issued by the Board.

(b) The form shall include the applicant's attestation that the information in the form is correct.

*History Note: Authority G.S. 86B-65; Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06U .0109 POST-APPRENTICESHIP APPLICATION FOR LICENSURE**

(a) The post-apprenticeship application for licensure shall be filed by an individual who has completed an electrology apprenticeship program as set forth in ~~S.L. 2022-72, s. 2, and this Section.~~ G.S. 86B-65 and Subchapter Z of this Chapter. The application requires the following information:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) the name and address of the electrology apprenticeship program;
- (3) the name of the instructor of the electrology apprenticeship program;
- (4) the names and addresses of the two electrologist offices where the applicant visited, as well as the dates when the visits occurred, as required by ~~S.L. 2022-72, s. 2;~~ G.S. 86B-65(a)(2);
- (5) a ~~passport acceptable~~ photograph color photograph of the applicant that is two inches by two inches and has been taken within the past two years; and
- (6) proof of age as evidenced by a copy of a current:
  - (A) driver license or identification card issued by a state or territory in the United States;
  - (B) United States passport or passport card;
  - (C) United States permanent resident card;
  - (D) United States employment authorization document card;

- (E) birth certificate issued by a state, county, municipal authority, or outlying territory of the United States;
- (F) consular report of birth abroad, certification of birth abroad issued by the United States Department of State, or certification of report of birth issued by the United States Department of State; or
- (G) Native American tribal document.

- (b) The fee in Rule .0101 of this Section shall be submitted with the application.
- (c) The application form shall include the applicant's attestation that the information in the form is correct.

*History Note: Authority G.S. 86B-65; 93B-14; Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06U .0110 APPLICATION FOR APPROVAL AS AN ELECTROLOGY APPRENTICESHIP PROGRAM**

- (a) An application shall be filed by a facility that wishes to offer an electrology apprenticeship program. The application requires the following:
  - (1) the name and address of the business;
  - (2) the names, addresses, and authorization numbers of the instructors for the electrology apprenticeship program;
  - (3) the names and addresses of the owners of the electrology apprenticeship program, if different from the information provided under Subparagraph (2) of this Paragraph;
  - (4) the ~~business hours~~; business's hours of operation;
  - (5) the physical dimension of the training area;
  - (6) the number of treatment tables; and
  - (7) the date the business will be ready for inspection.

**21 NCAC 06Z .0102 CURRICULUM**

- (a) The curriculum for an electrology apprenticeship program shall consist of 625 hours of technical instruction and practical training as set below:

	<u>Hours</u>
<u>Electrology Fundamentals I</u>	
<u>Clinical techniques</u>	50
<u>Infectious agents and sterilization</u>	24
<u>Histology of the cell and skin</u>	24
<u>Histology of the hair</u>	24
<u>Modalities: galvanic, thermolysis, blend, and epilators</u>	44
<u>Electrology Fundamentals II</u>	
<u>Endocrine system</u>	20
<u>Disease and disorders of the skin</u>	24
<u>Electricity</u>	10
<u>Anatomy and physiology</u>	20
<u>Business procedures and regulations</u>	10
<u>Onsite Practical Training</u>	
<u>General orientation</u>	
<u>Rules of the program</u>	1
<u>Personal hygiene and dress</u>	1
<u>Professional ethics and office rules</u>	1

- (b) The fee required by Rule .0101 of this Section shall accompany the application.
- (c) The application shall include the applicant's attestation that the information in the form is correct.

*History Note: Authority G.S. 86B-65; Temporary Adoption Eff. June 1, 2023.*

**SUBCHAPTER 06Z – ELECTROLOGY APPRENTICESHIP PROGRAM**

**21 NCAC 06Z .0101 ENROLLMENT REQUIREMENTS AND STUDENT PERMITS**

- (a) An electrology apprenticeship program shall not accept tuition from or enroll a student unless the ~~student~~ electrology apprenticeship program has submitted the application for a student permit required by 21 NCAC 06U .0106 and ~~been~~ the Board has issued a student permit by the Board to the student.
- (b) The student permit shall only be valid for a specific electrology apprenticeship program and cannot be used in another location.
- (c) ~~A~~ The electrology apprenticeship program shall file a new application for a student permit shall be filed with the Board for a student who drops out of the program and later re-enrolls.
- (d) Before accepting tuition or enrolling a student, the apprenticeship program shall notify a student applicant of the minimum qualifications for licensure as an electrologist as set forth in G.S. 86B-53, including the minimum-age requirement. The apprenticeship program shall have the applicant sign and date the notice indicating that the applicant has been informed of the qualifications. The apprenticeship program shall retain the signed and dated notice for at least one year after the student terminates from the program.

*History Note: Authority G.S. 86B-65; Temporary Adoption Eff. June 1, 2023.*

**TEMPORARY RULES**

<u>Laws governing electrolysis</u>	<u>1</u>
<u>Pathology</u>	
<u>Sanitation, sterilization, and disinfection</u>	<u>2</u>
<u>State regulations on pathogen control</u>	<u>1</u>
<u>Variables</u>	
<u>Probes</u>	<u>1</u>
<u>Intensity</u>	<u>2</u>
<u>Timing</u>	<u>2</u>
<u>Depth of insertion</u>	<u>5</u>
<u>Angle of insertion</u>	<u>15</u>
<u>General Treatment Procedures</u>	
<u>Consultations</u>	<u>5</u>
<u>Positioning and draping of the client while working</u>	<u>2</u>
<u>Observation of modalities</u>	
<u>Electrolysis (DC – galvanic)</u>	<u>5</u>
<u>Thermolysis (SW – shortwave)</u>	<u>15</u>
<u>Blend (combination of galvanic and shortwave)</u>	<u>10</u>
<u>Hands-on experience with modalities</u>	
<u>Electrolysis (DC – galvanic)</u>	<u>25</u>
<u>Thermolysis (SW – shortwave)</u>	<u>200</u>
<u>Blend (combination of galvanic and shortwave)</u>	<u>75</u>
<u>Equipment maintenance and upkeep</u>	<u>1</u>
<u>Development of practice: public relations and advertisement, office procedure and management, financial recordkeeping, customer service, and office upkeep</u>	<u>5</u>
<u>Total Hours</u>	<u>625</u>

(b) The student shall complete Electrology Fundamentals I before beginning other parts of the curriculum. The student shall not begin Onsite Practical Training before Electrology Fundamentals II, although the student may do Onsite Practical Training at the same time as Electrology Fundamentals II.

(c) The student shall complete Electrology Fundamentals I within a 25-week time frame. The student shall complete both Electrology Fundamentals II and Onsite Practical Training within a 52-week time frame.

(d) The electrology apprenticeship program may offer Electrology Fundamentals I and Electrology Fundamentals II online. The program shall only offer Onsite Practical Training, as described in Paragraph (a) of this Rule, in person.

(e) The electrology apprenticeship program shall administer exams for each topic under Electrology Fundamentals I and Electrology Fundamentals II, as set forth in Paragraph (a) of this Rule, to determine whether a student has an understanding of the material that is satisfactory to the program.

(f) The electrology apprenticeship program shall use the following textbooks:

- (1) "Milady's Hair Removal Techniques: A Comprehensive Manual"; and
- (2) "Milady's Standard Esthetics."

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0103 FACILITY REQUIREMENTS**

(a) A North Carolina electrology facility that offers an electrology apprenticeship program shall have the following equipment onsite:

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>(1) A high frequency or thermolysis (short wave) machine;</li> <li>(2) A galvanic/thermolysis (blend) machine;</li> <li>(3) A 13.5 MHz epilator;</li> <li>(4) A 27 MHz epilator;</li> <li>(5) A treatment table;</li> <li>(6) Two stools or adjustable chairs for each treatment table;</li> <li>(7) A supply cabinet for each treatment table;</li> <li>(8) Six dozen epilation forceps (tweezers) that meet the requirements set forth in 21 NCAC 06V .0105(c)(2);</li> </ol> | <ol style="list-style-type: none"> <li>(9) At least one holding tank for epilation forceps (tweezers) at each electrology station;</li> <li>(10) A sharps container for each electrology station;</li> <li>(11) At least one FDA-approved dry heat sterilizer or autoclave;</li> <li>(12) At least one ultrasonic cleaner;</li> <li>(13) Illumination and magnification equipment to aid with electrology services;</li> <li>(14) A sink with running hot and cold water within the office or suite where the electrology apprenticeship program is located and not shared with other businesses;</li> <li>(15) Toilet facilities on the same floor as the practical training area;</li> <li>(16) An electronic or punch-card time clock to record student hours.</li> </ol> |
|--|--|



(b) ~~With the exception of service dogs, no~~ No animals shall be permitted in an electrology facility. facility except service animals as defined by 28 CFR 36.104, which is hereby incorporated by reference, including subsequent amendments and editions, and is available for no cost at <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-A/section-36.104>.

(c) All bottles and containers that contain electrology equipment and supplies shall have labels that indicate the contents.

(d) All electrology personnel and students shall wear the following during training and services:

- (1) ~~Scrubs, Scrubs or lab coats, or medical-grade clothing; coats;~~
- (2) Soft-soled shoes;
- (3) Surgical or N95 masks; and
- (4) Latex or nitrile gloves.

(e) The electrology facility shall comply with the infection-control rules in 21 NCAC 06V and post them in a conspicuous place. For the purposes of this Rule, "conspicuous place" means a place ~~easily seen by~~ visible to the individuals receiving electrology services.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0104 STUDENT HOURS AND PERMITS**

(a) No practical training shall occur unless the student permit required by Rule .0101 of this Section is displayed at the electrology station.

(b) Students shall not earn hours in Onsite Practical Training, as described in Rule .0102 of this Section, unless an instructor is present. This instructor must be authorized under G.S. 86B-65.

(c) The ~~school~~ electrology apprenticeship program shall track student hours:

- (1) by having the students record their start and end time with the time clock required by Rule .0103(a)(16) of this Section; or
- (2) for online classes, by having software track the student's online attendance.

(d) The electrology apprenticeship program shall not credit hours except as reflected in time-clock or online-tracking records as provided in Paragraph (c) of this Rule.

(e) The electrology apprenticeship program shall maintain time-clock records during the student's enrollment and for at least one year after the student drops, transfers, or completes the program.

(f) ~~For~~ Except as required by Rule .0108(a) of this Section, each electrology student, the instructor or owner shall submit the monthly report as set forth in 21 NCAC 06U .0107 to the Board at ~~the any~~ the any address listed in 21 NCAC 06A .0102 by the 15th day of each month. The monthly report shall include the hours accrued for the previous month.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0105 PROGRAM HANDBOOKS AND ENROLLMENT AGREEMENTS**

(a) Every electrology apprenticeship program shall provide a program handbook to its students upon enrollment. The program handbook shall contain the following information:

- (1) ~~Enrollment~~ enrollment agreement;
- (2) ~~Schedule~~ schedule of fees, including any monetary penalties;
- (3) ~~Reimbursement~~ reimbursement policies;
- (4) ~~School~~ program rules and requirements;
- (5) ~~Tardiness~~ tardiness and absenteeism policies;
- (6) ~~A~~ a copy of the curriculum as set forth in Rule .0102 of this Section;
- (7) ~~An~~ an explanation of how the curriculum content will be delivered, such as through online modules; and
- (8) ~~The~~ the grading system for the curriculum.

(b) The electrology apprenticeship program shall submit a copy of the program handbook to the Board at ~~the any~~ the any address listed in 21 NCAC 06A .0102 before enrolling students. An updated copy of the handbook shall be submitted to the Board within 30 days of any amendment or revision.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0106 INSTRUCTORS IN AN ELECTROLOGY APPRENTICESHIP PROGRAM**

(a) The Board shall issue ~~an~~ written authorization to an instructor in an electrology program if he or she:

- (1) meets the requirements in G.S. 86B-65, and 21 NCAC 06U .0108; and
- (2) makes a score of at least 85 on the written exam.

(b) The authorization in Paragraph (a) of this Rule shall only apply to a specific electrology apprenticeship program and cannot be transferred to another program.

(c) An instructor in an electrology apprenticeship program shall notify the Board in writing at ~~the any~~ the any address in 21 NCAC 06A .0102 if he or she is no longer working as an instructor in the electrology apprenticeship program. The instructor shall submit this notification within 15 days of the end of his or her work as an instructor in the program.

(d) The Board shall revoke the authorization in Paragraph (a) for the following reasons:

- (1) falsification of documents related to the electrology apprenticeship program;
- (2) failure to maintain an electrology license;
- (3) failure to provide oversight required by ~~Board statute and rule~~ Rule .0104 of this Section to students enrolled in an electrology apprenticeship program; or
- (4) termination of the electrology apprenticeship program.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0107 TRANSFERS**

Students attending electrology apprenticeship programs in North Carolina may transfer to another program in North Carolina and receive credit for attendance at each of the programs where the student was enrolled. The electrology apprenticeship program shall meet the requirements in Rule .0101 of this Section before accepting tuition from or enrolling the transfer student.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0108 PROGRAM COMPLETION**

(a) Within 15 days of a student completing an electrology apprenticeship program, the instructor or facility owner shall submit the report set forth in 21 NCAC 06U .0107, notwithstanding the requirement in Rule .0104(e) of this Section to submit the report by the 15th day of the following month.

(b) The report in Paragraph (a) shall be accompanied by a ~~sworn~~ notarized statement by the instructor or facility owner that the hours reported are accurate and that the student has completed the requirements of the curriculum set forth in Rule .0102 of this Section.

(c) The documentation required by this Rule shall be submitted to the Board at ~~the~~ any address listed in 21 NCAC 06A .0102.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0109 POST-APPRENTICESHIP ELECTROLOGY LICENSE**

An individual who attended an electrology apprenticeship program and wishes to be licensed shall:

- (1) submit the post-apprenticeship application as set forth in 21 NCAC 06U .0109 to the Board at the mailing address in 21 NCAC 06A .0102(a) or the website address listed in ~~21 NCAC 06A .0102;~~ 21 NCAC 06A .0102(c); and
- (2) make a score of at least 70 on the clinical examination.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

**21 NCAC 06Z .0110 APPROVAL AS AN ELECTROLOGY APPRENTICESHIP PROGRAM**

(a) To receive approval as an electrology apprenticeship program, a business must:

- (1) submit the application as set forth in ~~21 NCAC 06N .0110;~~ 21 NCAC 06U .0110;
- (2) pass a facility inspection that assesses whether the program complies with requirements set forth in Rule .0103 of this Section; and
- (3) employ an instructor for an electrology apprenticeship program who is approved under Rule .0106 of this Section.

(b) Within five business days of determining that an electrology apprenticeship program meets the requirements in Paragraph (a) of this Rule, the Board shall issue ~~an~~ written approval to the program.

(c) No electrology apprenticeship program shall operate without first receiving the approval in Paragraph (b) of this Rule.

(d) If a business is not ready for the facility inspection on a scheduled date, the owner or instructor shall notify the Board at ~~the~~ any address or phone number listed in 21 NCAC 06A .0102 at least one business day before the scheduled inspection. The business shall forfeit the inspection fee if it fails to provide timely notice to the Board.

(e) The Board shall terminate approval of an electrology apprenticeship program for the following reasons:

- (1) the program no longer has an instructor;
- (2) after receiving a written warning, the facility fails to comply with the requirements in Rule .0103 of this Section;
- (3) the Board determines that the program has falsified documents related to the program, and revocation of the instructor authorization as set forth in Rule .0106(d) of this Section will not prevent further falsification of documents; or
- (4) the Board determines that the program has failed to provide the oversight required by Board statute and rule to students enrolled in the program, and revocation of the instructor authorization as set forth in Rule .0106(d) of this Section will not prevent further failures.

*History Note: Authority G.S. 86B-65;  
Temporary Adoption Eff. June 1, 2023.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission May 18, 2023, 2021 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 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Jeanette Doran (Chair)  
Robert A. Bryan, Jr. (2<sup>nd</sup> Vice Chair)  
Jay R. Hemphill  
Jeff Hyde  
Robert A. Rucho

**Appointed by House**

Andrew P. Atkins (1st Vice Chair)  
Wayne R. Boyles, III  
Barbara A. Jackson  
Randy Overton  
Paul Powell

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

**RULES REVIEW COMMISSION MEETING DATES**

July 20, 2023	September 21, 2023
August 17, 2023	October 19, 2023

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**RULES REVIEW COMMISSION MEETING  
MINUTES  
May 18, 2023**

The Rules Review Commission met on Thursday, May 18, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Bobby Bryan, Jeanette Doran, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho were present in the Commission Room. Commissioners Wayne R. Boyles III, Jay Hemphill, and Barbara Jackson were present via WebEx.

Staff members Alexander Burgos, Commission Counsel Seth Ascher, Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the April 20, 2023, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**FOLLOW UP MATTERS**

**Medical Care Commission**

10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 – These Rules remain on the agenda pending the agency’s intention to seek a legislative fix to address the overarching objection for lack of statutory authority. No action was required by the Commission.

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09E .0107 - The Commission extended the period of review for this Rule at the April meeting. No action was required by the Commission.

**Environmental Management Commission**

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The Commission objected to these Rules at the May 2022 meeting. The agency has not responded to the Commission’s objection since August 2022. No action was required by the Commission.

**Environmental Management Commission**

Upon the call of the Chair, 15A NCAC 02D .0516 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

15A NCAC 02B .0315 - The Commission extended the period of review for this Rule at the April meeting. No action was required by the Commission.

Jennifer Everett, the rulemaking coordinator with the agency, addressed the Commission.

**Marine Fisheries Commission**

Upon the call of the Chair, 15A NCAC 18A .0911 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

15A NCAC 03M .0101 - The Commission extended the period of review for this Rule at the April meeting. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, and .0312 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .2305 – At the February meeting, the Commission continued its objection to this Rule from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, and .1101 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

Commissioner Boyles joined the meeting via Webex.

**Commission for Public Health**

Upon the call of the Chair, 15A NCAC 18A .2801, .2802, .2803, .2804, .2806, .2807, .2808, .2809, .2810, .2812, .2814, .2815, .2816, .2817, .2818, .2819, .2820, .2821, .2822, .2823, .2824, .2825, .2826, .2827, .2829, .2830, .2831, .2832, .2833, .2834, .2835, and .2836 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

**State Board of Education**

16 NCAC 06G .0601 - The Rule was returned at the request of the agency. No action was required by the Commission.

**Board of Nursing**

Prior to the review of the rule from the Board of Nursing, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rule because of a potential conflict.

Upon the call of the Chair, 21 NCAC 36 .0807 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

**LOG OF FILINGS (PERMANENT RULES)**

**Department of Insurance**

Upon the call of the Chair, 11 NCAC 05A .0910 and .0911 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

**Wildlife Resources Commission**

Upon the call of the Chair, 15A NCAC 10C .0205, .0206, .0302, .0306, .0314, .0401; 10D .0102, .0103, .0104, .0105, .0211, .0215, .0232, .0239, .0240, .0258, .0269, .0271; 10F .0308, .0316, .0333, .0355, and .0379 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

**Board of Examiners of Electrical Contractors**

Upon the call of the Chair, 21 NCAC 18B .0209 and .0404 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

**Medical Board**

Prior to the review of the rule from the Medical Board, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rule because of a potential conflict.

Upon the call of the Chair, 21 NCAC 32B .1708; 32M .0107 and .0119 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

Upon the call of the Chair, the Commission extended the period of review for 21 NCAC 32B .1002 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

**Real Estate Commission**

Upon the call of the Chair, 21 NCAC 58A .0113, .0301, .0505, .1705, .1708, .1711; 58B .0202; 58H .0202, .0216, .0302, and .0307 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

**Building Code Council**

Upon the call of the Chair, 2018 NC Building Code Table 2902.1 and Section 202; NC Plumbing Code Table 403.1 and Section 202 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

**LOG OF FILINGS (TEMPORARY RULES)**

**Board of Barber and Electrolysis Examiners**

Upon the call of the Chair, 21 NCAC 06O .0201; 06U .0101, .0106, .0107, .0108, .0109, .0110; 06Z .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

21 NCAC 06O .0202 and .0203 were withdrawn at the request of the agency. No action was required by the Commission.

**COMMISSION BUSINESS**

Benjamin Wynn, an intern with the North Carolina Institute of Constitutional Law and a rising 2L at Campbell Law, introduced himself to the Commission.

Steven Harrelson, the extern with OAH and a rising 3L at UNC Law, introduced himself to the Commission.

Upon the call of the Chair, the Commission approved the amendments to the Periodic Review Report Schedule by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

Upon the call of the Chair, the Commission voted to adopt amendments to 26 NCAC 05 .0101, .0103, .0104, .0105, .0106, .0107, .0108, .0110, .0114, .0202, .0203, .0204, .0205, and .0211; repeals of .26 NCAC 05 .0102, .0109, and .0201; and adoptions of 26 NCAC 05 .0115 and .0212, by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None

At 9:29 a.m., upon a motion by the Chair Doran and a second by Commissioner Atkins, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into closed session pursuant to G.S. 143-318.11(a)(1) for the purpose of reviewing and approving the general account of the March 2023 closed session, which may be withheld from public inspection pursuant to G.S. 143-318.10(e) by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Following the closed session, Commissioners Jay Hemphill and Barbara Jackson left the meeting via Webex.

At 9:40 a.m., upon a motion by Commissioner Atkins and a second by Commissioner Bryan, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None

The meeting adjourned at 9:44 a.m.

The next regularly scheduled meeting of the Commission is Thursday, June 15, 2023, at 9:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jeanette Doran, Chair

**May 18, 2023**

Rules Review Commission  
Meeting  
Please **Print** Legibly

Name	Agency
<i>Jennifer Everett</i>	<i>DEQ</i>
<i>Hannah Fenigan</i>	<i>NC DOT</i>
<i>Reed Funtun</i>	<i>YMN</i>
<i>Elizabeth Pope</i>	<i>NCSWCLB</i>
<i>Betsy Homwood</i>	<i>NC Wildlife Resources Comm.</i>
<i>Daron Barnes</i>	<i>NC Wildlife Resources Comm.</i>
<i>Ann B. Wale</i>	<i>NC Dept of Sec. of State</i>
<i>Virginia Nickaus</i>	<i>NC DHHS</i>

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**RULES REVIEW COMMISSION**

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**Rules Review Commission Meeting May 18, 2023**  
**Via WebEx**

<b>Name</b>	<b>Agency</b>
Marlika Hairston	Commissioner Banks
Bradley Nelson	DEQ
Emily Jones	DOT
Dennis Seavers	Barber Board
David Rittlinger	DOI
Elizabeth Kountis	EMC
Carrie Pickett	DEQ
Brenda Bass	DHHS
Joelle Burleson	DEQ
Ellen Roeber	PT Board
Helen Landi	hntb.com
Lynn Bernstein	transparentelectionsnc
Donna Gilbird	
Katherine Quinlan	DEQ
Paul A Wojoski	DEQ
Melissa Vuotto	NCREC
Laura	Treasurer
Meredith Parris	Nursing
Britne Becker	Labor
Davie Summey	DOI
Rob Pearsall	DHHS
Phillip Reynolds	DOJ
John Hahn	mayerbrown.com
Dauna Bartley	Dental Board
Ed Norman	DHHS
Catherine Blum	MFC
Ross Smith	myncma.org
Nadine Pfeiffer	DHHS
Shawn Maier	DEQ
Christian Waters	WRC
John Barkley	DOJ
Tina Moore	DEQ
Andy Haines	DEQ
Ashley Brown	gaston.k12.nc.us
Larry Michael	DHHS
Kim Luisana	BON
Kimly Blount	DHHS
Melva Bonner	WRC
Hope Ascher	



**LIST OF APPROVED PERMANENT RULES**

**May 18, 2023 Meeting**

**INSURANCE, DEPARTMENT OF**

<u>Incident Reporting</u>	11 NCAC 05A .0910
<u>Records</u>	11 NCAC 05A .0911

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Sulfur Dioxide Emissions from Combustion Sources</u>	15A NCAC 02D .0516
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**WILDLIFE RESOURCES COMMISSION**

<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205
<u>Trotlines, Jug Hooks and Set Hooks</u>	15A NCAC 10C .0206
<u>Manner of Taking Inland Game Fishes</u>	15A NCAC 10C .0302
<u>Crappie</u>	15A NCAC 10C .0306
<u>Striped Bass</u>	15A NCAC 10C .0314
<u>Manner of Taking Nongame Fishes</u>	15A NCAC 10C .0401
<u>General Regulations Regarding Use</u>	15A NCAC 10D .0102
<u>Hunting on Game Lands</u>	15A NCAC 10D .0103
<u>Fishing on Game Lands</u>	15A NCAC 10D .0104
<u>Possession and Removal of Animals, Plants and Materials</u>	15A NCAC 10D .0105
<u>Butner-Falls of Neuse Game Land in Durham, Granville, and...</u>	15A NCAC 10D .0211
<u>Wayne Bailey-Caswell Game Land in Caswell County</u>	15A NCAC 10D .0215
<u>Gull Rock Game Land in Hyde County</u>	15A NCAC 10D .0232
<u>Johns River Game Land in Burke County</u>	15A NCAC 10D .0239
<u>Jordan Game Land in Chatham, Durham, Orange, and Wake Cou...</u>	15A NCAC 10D .0240
<u>Pee Dee River Game Land in Anson, Montgomery, Richmond, a...</u>	15A NCAC 10D .0258
<u>Rocky Run Game Land in Onslow County</u>	15A NCAC 10D .0269
<u>Sandhills Game Land in Hoke, Moore, Richmond, and Scotlan...</u>	15A NCAC 10D .0271
<u>Clay County</u>	15A NCAC 10F .0308
<u>Forsyth: Rockingham and Stokes Counties</u>	15A NCAC 10F .0316
<u>Mecklenburg and Gaston Counties</u>	15A NCAC 10F .0333
<u>Perquimans County</u>	15A NCAC 10F .0355
<u>City of Roxboro</u>	15A NCAC 10F .0379

**MARINE FISHERIES COMMISSION**

<u>Marinas, Docking Facilities, and Other Mooring Areas</u>	15A NCAC 18A .0911
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**PUBLIC HEALTH, COMMISSION FOR**

<u>Definitions</u>	15A NCAC 18A .2801
<u>Approval of Construction and Renovation Plans</u>	15A NCAC 18A .2802
<u>Handwashing</u>	15A NCAC 18A .2803
<u>Food Supplies</u>	15A NCAC 18A .2804
<u>Food Storage and Protection</u>	15A NCAC 18A .2806
<u>Food Preparation</u>	15A NCAC 18A .2807
<u>Food Service</u>	15A NCAC 18A .2808
<u>Food Service Equipment and Utensils</u>	15A NCAC 18A .2809
<u>Specifications for Kitchens, Food Preparation Areas and F...</u>	15A NCAC 18A .2810

<u>Cleaning and Sanitizing of Equipment and Utensils</u>	15A NCAC	18A .2812
<u>Food Service Equipment and Utensil Storage</u>	15A NCAC	18A .2814
<u>Water Supply</u>	15A NCAC	18A .2815
<u>Lead Poisoning Hazards in Child Care Centers</u>	15A NCAC	18A .2816
<u>Toilets</u>	15A NCAC	18A .2817
<u>Lavatories</u>	15A NCAC	18A .2818
<u>Diapering and Diaper Changing Facilities</u>	15A NCAC	18A .2819
<u>Storage</u>	15A NCAC	18A .2820
<u>Beds, Cots, Mats, and Linens</u>	15A NCAC	18A .2821
<u>Toys, Equipment and Furniture</u>	15A NCAC	18A .2822
<u>Personnel</u>	15A NCAC	18A .2823
<u>Floors</u>	15A NCAC	18A .2824
<u>Walls and Ceilings</u>	15A NCAC	18A .2825
<u>Lighting and Thermal Environment</u>	15A NCAC	18A .2826
<u>Communicable Diseases and Conditions</u>	15A NCAC	18A .2827
<u>Wastewater</u>	15A NCAC	18A .2829
<u>Solid Wastes</u>	15A NCAC	18A .2830
<u>Animal and Vermin Control</u>	15A NCAC	18A .2831
<u>Outdoor Learning Environment and Premises</u>	15A NCAC	18A .2832
<u>Swimming and Wading Pools</u>	15A NCAC	18A .2833
<u>Compliance, Inspections and Reports</u>	15A NCAC	18A .2834
<u>Appeals Procedure</u>	15A NCAC	18A .2835
<u>Mildly Sick Children</u>	15A NCAC	18A .2836

**ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF**

<u>Fees</u>	21 NCAC	18B .0209
<u>Annual License Fees</u>	21 NCAC	18B .0404

**MEDICAL BOARD**

<u>COVID-19 Drug Preservation Rule</u>	21 NCAC	32B .1708
<u>Continuing Education (CE)</u>	21 NCAC	32M .0107
<u>COVID-19 Drug Preservation Rule</u>	21 NCAC	32M .0119

**NURSING, BOARD OF**

<u>Continuing Education (CE)</u>	21 NCAC	36 .0807
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**REAL ESTATE COMMISSION**

<u>Reporting Criminal Convictions and Disciplinary Actions</u>	21 NCAC	58A .0113
<u>Form</u>	21 NCAC	58A .0301
<u>Reinstatement of a License</u>	21 NCAC	58A .0505
<u>Attendance and Participation Requirements</u>	21 NCAC	58A .1705
<u>Equivalent Credit</u>	21 NCAC	58A .1708
<u>Continuing Education Required of Nonresident Brokers</u>	21 NCAC	58A .1711
<u>Public Offering Statement Summary</u>	21 NCAC	58B .0202
<u>Application for Education Provider Certification</u>	21 NCAC	58H .0202
<u>Limited Education Provider Petition for Consideration</u>	21 NCAC	58H .0216
<u>Application and Criteria for Instructor Approval</u>	21 NCAC	58H .0302
<u>Limited Instructor Petition for Reconsideration</u>	21 NCAC	58H .0307

**BUILDING CODE COUNCIL**

<u>2018 NC Fire Code/Maximum Floor Area Allowances Per Occupant</u>	Table 1004.1.2
<u>2018 NC Building Code/Maximum Floor Area Allowances Per O...</u>	Table 1004.1.2
<u>2018 NC Plumbing Code/Definitions</u>	Section 202
<u>2018 NC Building Code/Definitions</u>	Section 202
<u>2018 NC Plumbing Code/Minimum Number of Required Plumbing...</u>	Table 403.1
<u>2018 NC Building Code/Minimum Number of Required Plumbing...</u>	Table 2902.1

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**LIST OF APPROVED TEMPORARY RULES**

**May 18, 2023 Meeting**

**BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF**

<u>Electrology Apprenticeship Program</u>	21 NCAC	06O	.0201
<u>Fees</u>	21 NCAC	06U	.0101
<u>Student Permit for Electrology Apprenticeship Program</u>	21 NCAC	06U	.0106
<u>Monthly Reports for Electrology Apprenticeship Program</u>	21 NCAC	06U	.0107
<u>Application for Instructor in Electrology Apprenticeship ...</u>	21 NCAC	06U	.0108
<u>Post-Apprenticeship Application for Licensure</u>	21 NCAC	06U	.0109
<u>Application for Approval as an Electrology Apprenticeship...</u>	21 NCAC	06U	.0110
<u>Enrollment Requirements and Student Permits</u>	21 NCAC	06Z	.0101
<u>Curriculum</u>	21 NCAC	06Z	.0102
<u>Facility Requirements</u>	21 NCAC	06Z	.0103
<u>Student Hours and Permits</u>	21 NCAC	06Z	.0104
<u>Program Handbooks and Enrollment Agreement</u>	21 NCAC	06Z	.0105
<u>Instructors in an Electrology Apprenticeship Program</u>	21 NCAC	06Z	.0106
<u>Transfers</u>	21 NCAC	06Z	.0107
<u>Program Completion</u>	21 NCAC	06Z	.0108
<u>Post-Apprenticeship Electrology License</u>	21 NCAC	06Z	.0109
<u>Approval as an Electrology Apprenticeship Program</u>	21 NCAC	06Z	.0110