

NORTH CAROLINA REGISTER

VOLUME 38 • ISSUE 02 • Pages 80 – 102

July 17, 2023

I. PROPOSED RULES

Health and Human Services, Department of Health Service Regulation, Division of	80 – 83
Justice, Department of Sheriffs' Education and Training Standards Commission	83 – 90
Occupational Licensing Boards and Commissions Barber and Electrolysis Examiners, Board of	90 – 91
Optometry, Board of Examiners in	91

II. TEMPORARY RULES

Environmental Quality, Department of Wildlife Resources Commission.....	92 – 94
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III. RULES REVIEW COMMISSION 95 – 102

PUBLISHED BY

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

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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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 th 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.

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 and G.S. 150B-21.3A(c)(2)g, that the HHS - Division of Health Service Regulation intends to amend the rule cited as 10A NCAC 14C .2703, and readopt with substantive changes the rules cited as 10A NCAC 14C .1401 and .1403.

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 15, 2023

Time: 10:00 a.m.

Location: Dorothea Dix Park, Edgerton Building, Room 026, 809 Ruggles Drive, Raleigh, NC 27603

Reason for Proposed Action: Three rules are proposed for rulemaking for Certificate of Need (CON). As a result of the periodic review of rules in Subchapter 10A NCAC 14C, 39 rules determined as "Necessary With Substantive Public Interest" were required to be readopted. At this time, two rules are being proposed for readoption for the Certificate of Need Regulations for the criteria and standards for neonatal services. One additional rule is proposed for amendment to make a temporary rule permanent to complement or be made consistent with the 2023 State Medical Facilities Plan (SMFP).

The proposed rules for readoption, 10A NCAC .1401 and .1403, update Level IV neonatal intensive care services criteria and standards definitions, and revise and clarify Certificate of Need applicant performance standards criteria to develop a new neonatal intensive care service with or without increasing the total number of acute care beds on the hospital license. In addition, Rule 10A NCAC 14C .1403 was amended with temporary procedures effective January 27, 2023 and published in 37:16 NCR on February 15, 2023.

Rule 10A NCAC 14C .2703 is proposed for amendment so that correct performance standards reflective of the MRI need methodology changes in the SMFP shall be used by CON applicants for MRI services. This rule was amended with temporary procedures effective January 27, 2023 and published in 37:16 NCR on February 15, 2023.

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

Comment period ends: September 15, 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 email. 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 (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14C – CERTIFICATE OF NEED REGULATIONS

SECTION .1400 – CRITERIA AND STANDARDS FOR LEVEL IV NEONATAL INTENSIVE CARE SERVICES

10A NCAC 14C .1401 DEFINITIONS

The definitions in this Rule shall apply to all rules in this Section:

- (1) "Approved neonatal service" means a neonatal service that was not operational prior to the beginning of the review period.
- (2) "Existing neonatal service" means a neonatal service in operation prior to the beginning of the review period.
- (3) "High risk obstetric patients" means those patients requiring specialized services provided by an acute care hospital to the mother and fetus during pregnancy, labor, delivery and to the mother after delivery. The services are characterized by specialized facilities and staff for the intensive care and management of high-risk maternal and fetal patients before, during, and after delivery.

- (4) ~~"Level I neonatal services" means services provided by an acute care hospital to full term and pre-term neonates that are stable, without complications, and may include neonates that are small for gestational age or large for gestational age.~~
- (5) ~~"Level II neonatal service" means services provided by an acute care hospital in a licensed acute care bed to neonates and infants that are stable without complications but require special care and frequent feedings; infants of any weight who no longer require Level III or Level IV neonatal services, but still require more nursing hours than normal infants; and infants who require close observation in a licensed acute care bed.~~
- (6) ~~"Level III neonatal service" means services provided by an acute care hospital in a licensed acute care bed to neonates or infants that are high risk, small (approximately 32 and less than 36 completed weeks of gestational age) but otherwise healthy, or sick with a moderate degree of illness that are admitted from within the hospital or transferred from another facility requiring intermediate care services for sick infants, but not intensive care. Level III neonates or infants require less constant nursing care than Level IV services, but care does not exclude respiratory support.~~
- (7) ~~"Level IV neonatal service" means neonatal intensive care services provided by an acute care hospital in a licensed acute care bed to high risk medically unstable or critically ill neonates (approximately under 32 weeks of gestational age) or infants requiring constant nursing care or supervision not limited to continuous cardiopulmonary or respiratory support, complicated surgical procedures, or other intensive supportive interventions.~~
- (8) ~~"Neonatal bed" means a licensed acute care bed used to provide Level II, III or IV neonatal services.~~
- (9) ~~"Neonatal intensive care services" shall have the same meaning as defined in G.S. 131E-176(15b).~~
- (10) ~~"Neonatal service area" means a geographic area defined by the applicant from which the patients to be admitted to the service will originate.~~
- (11) ~~"Neonatal services" means any of the Level I, Level II, Level III or Level IV services defined in this Rule.~~
- (12) ~~"Obstetric services" means any normal or high-risk services provided by an acute care hospital to the mother and fetus during pregnancy, labor, delivery and to the mother after delivery.~~
- (13) ~~"Perinatal services" means services provided during the period shortly before and after birth.~~

- (1) "Approved neonatal intensive care unit (NICU) beds" means acute care beds in a hospital that were issued a certificate of need to provide Level IV neonatal intensive care services but are not providing those services as of the application deadline for the review period.
- (2) "Average daily census (ADC)" means the total number of NICU days of care provided during a full fiscal year of operation divided by 365 days.
- (3) "Existing NICU beds" means acute care beds in a hospital that are providing Level IV neonatal intensive care services as of the application deadline for the review period.
- (4) "Level IV neonatal intensive care services" means services provided to high-risk medically unstable or critically ill neonates less than 32 weeks of gestational age, or infants requiring constant nursing care or supervision in NICU beds.
- (5) "Occupancy rate" means the ADC divided by the total number of existing, approved, and proposed NICU beds expressed as a percentage.
- (6) "Proposed NICU beds" means the acute care beds proposed to be developed a hospital in the application under review.

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

10A NCAC 14C .1403 PERFORMANCE STANDARDS

(a) ~~An applicant shall demonstrate that the proposed project is capable of meeting the following standards:-~~

- (1) ~~if an applicant is proposing to increase the total number of neonatal beds (i.e., the sum of Level II, Level III and Level IV beds), the overall average annual occupancy of the combined number of existing Level II, Level III and Level IV beds in the facility is at least 75 percent, over the 12 months immediately preceding the submittal of the proposal;~~
- (2) ~~if an applicant is proposing to increase the total number of neonatal beds (i.e., the sum of Level II, Level III and Level IV beds), the projected overall average annual occupancy of the combined number of Level II, Level III and Level IV beds proposed to be operated during the third year of operation of the proposed project shall be at least 75 percent; and~~
- (3) ~~The applicant shall document the assumptions and provide data supporting the methodology used for each projection in this rule.~~

(b) ~~If an applicant proposes to develop a new Level III or Level IV service, the applicant shall document that an unmet need exists in the applicant's defined neonatal service area, unless the State Medical Facilities Plan includes a need determination for neonatal beds in the service area. The need for Level III and Level IV beds shall be computed for the applicant's neonatal service area by:~~

- (1) ~~identifying the annual number of live births occurring at all hospitals within the proposed~~

The following definitions shall apply to all rules in this Section:

neonatal service area, using the latest available data compiled by the State Center for Health Statistics;

- (2) identifying the low birth weight rate (percent of live births below 2,500 grams) for the births identified in (1) of this Paragraph, using the latest available data compiled by the State Center for Health Statistics;
- (3) dividing the low birth weight rate identified in (2) of this Paragraph by .08 and subsequently multiplying the resulting quotient by four; and
- (4) determining the need for Level III and Level IV beds in the proposed neonatal service area as the product of:
 - (A) the product derived in (3) of this Paragraph, and
 - (B) the quotient resulting from the division of the number of live births in the initial year of the determination identified in (1) of this Paragraph by the number 1000.

(a) An applicant proposing to develop a new neonatal intensive care service without increasing the total number of acute care beds on the hospital license shall:

- (1) provide projected utilization of the proposed NICU beds during each of the first three full fiscal years of operation following completion of the project;
- (2) document that the occupancy rate for the proposed NICU beds shall be at least 65 percent during the third full fiscal year of operation following completion of the project; and
- (3) provide the assumptions and methodology used for the projected utilization and occupancy rate required by Subparagraphs (1) and (2) of this Paragraph.

(b) An applicant proposing to develop a new neonatal intensive care service or increase the number of NICU beds on the hospital license shall:

- (1) provide projected utilization of all existing, approved, and proposed NICU beds on the hospital license during each of the first three full fiscal years of operation following completion of the project;
- (2) document that the occupancy rate for all existing, approved, and proposed NICU beds on the hospital license shall be at least 65 percent during the third full fiscal year of operation following completion of the project; and
- (3) provide the assumptions and methodology used for the projected utilization and occupancy rate required by Subparagraphs (1) and (2) of this Paragraph.

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

SECTION .2700 - CRITERIA AND STANDARDS FOR MAGNETIC RESONANCE IMAGING SCANNER

10A NCAC 14C .2703 PERFORMANCE STANDARDS

(a) An applicant proposing to acquire a fixed MRI scanner pursuant to a need determination in the annual State Medical Facilities Plan in effect as of the first day of the review period shall:

- (1) identify the existing fixed MRI scanners owned or operated by the applicant or a related entity and located in the proposed fixed MRI scanner service area;
- (2) identify the approved fixed MRI scanners owned or operated by the applicant or a related entity and located in the proposed fixed MRI scanner service area;
- (3) identify the existing mobile MRI scanners owned or operated by the applicant or a related entity that provided mobile MRI services at host sites located in the proposed fixed MRI scanner service area during the 12 months before the application deadline for the review period;
- (4) identify the approved mobile MRI scanners owned or operated by the applicant or a related entity that will provide mobile MRI services at host sites located in the proposed fixed MRI scanner service area;
- (5) provide projected utilization of the MRI scanners identified in Subparagraphs (1) through (4) of this Paragraph and the proposed fixed MRI scanner during each of the first three full fiscal years of operation following completion of the project;
- (6) provide the assumptions and methodology used to project the utilization required by Subparagraph (5) of this Paragraph;
- (7) project that the fixed MRI scanners identified in Subparagraphs (1) and (2) of this Paragraph and the proposed fixed MRI scanner shall perform during the third full fiscal year of operation following completion of the project as follows:
 - (A) ~~3,364~~ or more adjusted MRI procedures per fixed MRI scanner if there are four or more fixed MRI scanners in the fixed MRI scanner service area;
 - (B) ~~3,123~~ or more adjusted MRI procedures per fixed MRI scanner if there are three fixed MRI scanners in the fixed MRI scanner service area;
 - (C)(A) ~~2,883~~ 3,494 or more adjusted MRI procedures per fixed MRI scanner if there are two or more fixed MRI scanners in the fixed MRI scanner service area;
 - (D)(B) ~~2,643~~ 3,058 or more adjusted MRI procedures per fixed MRI scanner if there is one fixed MRI scanner in the fixed MRI scanner service area; or
 - (E)(C) ~~1,201~~ 1,310 or more adjusted MRI procedures per MRI scanner if there

are no existing fixed MRI scanners in the fixed MRI scanner service area; and

- (8) project that the mobile MRI scanners identified in Subparagraphs (3) and (4) of this Paragraph shall perform ~~3,328~~ 3,120 or more adjusted MRI procedures per mobile MRI scanner during the third full fiscal year of operation following completion of the project.

(b) An applicant proposing to acquire a mobile MRI scanner pursuant to a need determination in the annual State Medical Facilities Plan in effect as of the first day of the review period shall:

- (1) identify the existing mobile MRI scanners owned or operated by the applicant or a related entity that provided mobile MRI services at host sites located in the proposed mobile MRI scanner service area during the 12 months before the application deadline for the review period;
- (2) identify the approved mobile MRI scanners owned or operated by the applicant or a related entity that will provide mobile MRI services at host sites located in the proposed mobile MRI scanner service area;
- (3) identify the existing fixed MRI scanners owned or operated by the applicant or a related entity that are located in the proposed mobile MRI scanner service area;
- (4) identify the approved fixed MRI scanners owned or operated by the applicant or a related entity that will be located in the proposed mobile MRI scanner service area;
- (5) identify the existing and proposed host sites for each mobile MRI scanner identified in Subparagraphs (1) and (2) of this Paragraph and the proposed mobile MRI scanner;
- (6) provide projected utilization of the MRI scanners identified in Subparagraphs (1) through (4) of this Paragraph and the proposed mobile MRI scanner during each of the first three full fiscal years of operation following completion of the project;
- (7) provide the assumptions and methodology used to project the utilization required by Subparagraph (6) of this Paragraph;
- (8) project that the mobile MRI scanners identified in Subparagraphs (1) and (2) of this Paragraph and the proposed mobile MRI scanner shall perform ~~3,328~~ 3,120 or more adjusted MRI procedures per MRI scanner during the third full fiscal year of operation following completion of the project; and
- (9) project that the fixed MRI scanners identified in Subparagraphs (3) and (4) of this Paragraph shall perform during the third full fiscal year of operation following completion of the project as follows:

- (A) ~~3,364 or more adjusted MRI procedures per fixed MRI scanner if there are four or more fixed MRI scanners in the fixed MRI scanner service area;~~
- (B) ~~3,123 or more adjusted MRI procedures per fixed MRI scanner if there are three fixed MRI scanners in the fixed MRI scanner service area;~~
- (C)(A) ~~2,883~~ 3,494 or more adjusted MRI procedures per fixed MRI scanner if there are two or more fixed MRI scanners in the fixed MRI scanner service area;
- (D)(B) ~~2,643~~ 3,058 or more adjusted MRI procedures per fixed MRI scanner if there is one fixed MRI scanner in the fixed MRI scanner service area; or
- (E)(C) ~~1,201~~ 1,310 or more adjusted MRI procedures per MRI scanner if there are no fixed MRI scanners in the fixed MRI scanner service area.

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

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .0301, .0303, .0408 and .0603.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>

Proposed Effective Date: November 1, 2023

Public Hearing:

Date: August 22, 2023

Time: 9:00 a.m.

Location: 1700 Tryon Park Dr., Raleigh, NC 27610

Reason for Proposed Action:

12 NCAC 10B .0301 and .0303 are minimum standard rules for the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission. Both Commissions have voted to include a prohibition of the commission and/or conviction of a crime that requires registration on the NC Sex Offender Registry and to add language to ensure the compliance with the fingerprint requirements cited in G.S. 143B-972.1. Session Bill 300 requires that the Sheriffs' and Criminal Justice Education and Training Standards Commissions share the same minimum standards. 12 NCAC 10B .0408 adds the requirement that an unredacted copy of the applicant's Psychological Screening required by G.S. 17E-7 and the applicant's Administrative Office of the Courts'

AOC-CR-280 form be included with the Background Investigation Form (F-8).

12 NCAC 10B .0603 allows for a truncated course delivery of the Sheriffs' Education and Training Standards Commission's Detention Officer Certification Course.

Comments may be submitted to: Melissa Bowman, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email mbowman@ncdoj.gov

Comment period ends: September 15, 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 email. 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 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A JUSTICE OFFICER

12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

Every justice officer employed or certified in North Carolina shall:

- (1) be a citizen of the United States;
(2) be at least 20 years of age for all deputies and detention officers or be at least 18 years of age for all telecommunicators;
(3) be a high school graduate, or the equivalent as defined in 12 NCAC 10B .0302;
(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 10B .0303;

- (5) have had a medical examination as required by 12 NCAC 10B .0304;
(6) have produced a negative result on a drug screen as described in 12 NCAC 10B .0410;
(7) have been administered a psychological screening examination as in accordance with G.S. 17E-7. This psychological screening examination shall be valid for a period of one year from the date on which it was administered;
(8) have been interviewed as described in 12 NCAC 10B .0306;
(9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 10B .0305;
(10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307;
(11) not have committed or been convicted of a crime that requires registration under Article 27A of Chapter 14 of the General Statutes;
(12) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 10B .2103 and .2104. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handguns and any other weapons that the applicant has been issued or authorized to use by the agency; and
(13) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail and respect for the rights of others, as more fully discussed and interpreted as defined in: In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); In re Applicants for License 143 N.C. 1, 55 S.E. 635 (1906); and later court decisions.
(14) make the following notifications:
(a) within five business days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of

- (b) driving under the influence (DUI) or driving while impaired (DWI). within five business days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order pursuant to G.S. 50B and any Civil No Contact Order pursuant to G.S. 50C that are issued by a judicial official against the officer;
- (c) within five business days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
- (d) within five business days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
- (e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

~~(14)~~(15) The requirements of this Rule shall apply to all applications for certification and shall also apply at all times during which the justice officer is certified by the Commission.

Authority G.S. 17E-7.

12 NCAC 10B .0303 FINGERPRINT CRIMINAL HISTORY RECORDS CHECK

- (a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).
- (b) The employing agency shall forward the applicant's fingerprint record to the North Carolina State Bureau of

Investigation for a criminal history record check utilizing fingerprints against state and federal files.

- (c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints against state and federal files from the North Carolina State Bureau of Investigation. The employing agency shall retain the results of the criminal history records check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (Rap Back) Service.

- ~~(d)~~(e) Pursuant to 12 NCAC 10B .0301(a)(4) an applicant for certification as a justice officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the result of the criminal history record check unitizing fingerprints.

Authority G.S. 17E-7; 143B-972.1.

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

- (a) Prior to issuing certification of each justice officer, for the purpose of verifying compliance with these Rules, the employing agency shall submit to the Division, along with the Report of Appointment (F-4), the following documents:

- (1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to 12 NCAC 10B .0302(a);
- (2) certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) the applicant's Medical History Statement (F-1);
- (4) the applicant's Medical Examination Report (F-2 and F-2A);
- (5) the applicant's unredacted Psychological Screening Examination as required by G.S. 17E-7;
- ~~(5)~~(6) the applicant's notarized Personal History Statement (F-3);
- ~~(6)~~(7) the Commission-mandated Background Investigation Form (F-8) with all accompanying documentation set out in 12 NCAC 10B .0305;

- ~~(7)~~(8) documentation of negative results on a drug screen pursuant to 12 NCAC 10B .0301(6); and
- ~~(8)~~(9) documentation of the applicant's compliance with the probationary certification requirements pursuant to 12 NCAC 10B .0403(b), if the applicant is a deputy sheriff or a detention officer and is authorized by the agency to carry a firearm.

(b) Compliance with this Rule is waived, with the exception of the requirements of ~~12 NCAC 10B .0408(a)(8)~~, Subparagraph (a)(9) of this Rule for officers applying for dual certification as defined in 12 NCAC 10B .0103(12) provided that:

- (1) the officer holds a valid certification issued by this Commission, as either a deputy sheriff, detention officer, or telecommunicator with the employing agency requesting dual certification; and
- (2) the officer has continuously been employed as a justice officer with the agency.

(c) Where the Division has previously received a complete Background Investigation Form (F-8) with all accompanying documentation set out in 12 NCAC 10B .0305 in connection with another application for certification to this Commission, the Background Investigation need only be updated from the date of the last background investigation on file in the Division with documentation of compliance with Subparagraphs (f)(1), (2), and (3) of this Rule, and a certified criminal record check from each jurisdiction in which the person has resided in and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy. In addition:

- (1) if the applicant has been issued an out-of-state driver's license by a state other than North Carolina since obtaining certification, then compliance with 12 NCAC 10B .0408(f)(4), is required; and
- (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a certified criminal record check from each jurisdiction shall be provided, if available. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy.

(d) If the Personal History Statement (F-3) required in Subparagraph (a)(5) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the applicant, who

shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.

(e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(6) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8) shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background Investigation Form (F-8), must be completed.

(f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:

- (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;
- (2) the national criminal record database accessible through the Division of Criminal Information (DCI) network;
- (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina; ~~and~~
- (4) an out-of-state motor vehicles check obtained through the Division of Criminal Information or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license within the 10 year period prior to the date of ~~appointment~~ appointment; and
- (5) the applicant's Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter.

(g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

- (1) where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;
- (2) where the applicant resided in another country:
 - (A) an Interpol records check shall be acceptable provided the country is a member of Interpol;
 - (B) if the applicant was in the United States military, a military records check shall be acceptable; or
 - (C) if neither an Interpol or United States military record check are available, subject to the limits of United States and North Carolina law, the employing agency shall make a good faith effort to obtain a records check from the national law enforcement authority, judicial authority, or other governmental entity charged with maintaining criminal records for the country where the applicant resided and submit the record check if available. If the employing agency cannot obtain the records check it must submit documentation consisting of the correspondence with the foreign

governmental entity and a written report from the assigned background investigator explaining the employing agency's efforts to obtain the record and why the record could not be obtained. The following steps are required to show a good faith effort to obtain the record check:

- (i) contacting and requesting the record from the foreign governmental entity or entities the employing agency believes are likely to possess the records by mail, telegram, telephone, facsimile or electronic mail;
- (ii) if referred to another foreign governmental entity, contacting and requesting the record from that foreign governmental entity; and
- (iii) if requested, providing and submitting any formal requests, forms, or documentation required by the foreign governmental entity before it will provide the record check;

(3) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information using the Out-of-State Computer Name Query (IQ) shall be acceptable provided the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, telegram, facsimile, or electronic mail, or a records check from the county-wide or state-wide record holding agency shall be acceptable.

(h) If the applicant had prior military service, the Background Investigation shall also include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check shall also be required.

(i) All records checks shall be performed on each name by which the applicant for certification has ever been known since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the age of 12 years of age, then a copy of the legal document effecting the name change with either a raised seal or other visible verification that the document is an authentic copy from the governmental entity that issued the document or is charged with maintaining the record of the document shall be submitted by the employing agency.

(j) The employing agency shall forward to the Division certified copies of any criminal charges and dispositions known to the

agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify any charges or other violations on the records checks required in Paragraph (f) of this Rule that are for individuals other than the applicant for certification and explain why the employing agency believes another individual is responsible for the charge or violation.

Authority G.S. 17E-4; 17E-7.

SECTION .0600 - MINIMUM STANDARDS OF TRAINING FOR DETENTION OFFICERS

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this Section.

(b) The Division shall use the following to evaluate a detention officer's training and experience to grant a training waiver:

- (1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.
- (2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.
- (3) Persons who separated from a detention officer position during the probationary period without completion of a commission-certified Detention Officer Certification Course, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (4) Persons holding General Justice Officer Certification as a detention officer pursuant to 12 NCAC 10B .0404 who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one

year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

- (5) Persons holding Grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (6) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention officer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission are subject to evaluation of their prior training and experience on an individual basis. The Division shall review the training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any is required under Rule .0601.

- (c) The Division shall grant a training waiver to individuals that:
 - (1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;
 - (3) is an applicant for justice officer certification as a detention officer ~~certification~~ through a sheriff's office or a district confinement facility; and
 - (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Applicants that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section. During this probationary period, they must take and successfully complete the State Comprehensive Examination in its entirety as set forth in 12 NCAC 10B .0606 after completing the following topic areas in a commission-certified Detention Officer Certification Course:

Orientation	3 hours
Legal Aspects of Management & Supervision	14 hours
Medical Care in the Jail	6 hours
Investigative Process in the Jail	8 hours
Criminal Justice System	2 hours

Introduction to Rules and Regulations Governing Jails	2 hours
Subject Control Techniques	32 hours
TOTAL HOURS	67 hours

- (d) The Division shall grant a waiver to individuals that:
 - (1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) completed training as a correctional officer after August 1, 2002;
 - (3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and
 - (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the course curriculum of the correctional officer training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of this Section. Based upon topics covered in the basic correctional officer training course, and the Division shall determine if additional training is required to ensure the applicant has received training comparable to that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting training requirements, if any, and the officer shall take and successfully complete the State Comprehensive Examination as set forth in 12 NCAC 10B .0606 in its entirety during the probationary period after completing any training as determined to be necessary by the training evaluation referenced in this section, in a commission-certified Detention Officer Certification Course.

- (e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy pursuant to 12 NCAC 10B .0402 or general justice officer certification as a deputy pursuant to 12 NCAC 10B .0404, with the North Carolina Sheriffs' Education and Training Standards Commission; or a law enforcement officer that has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice Education and Training Standards Commission, shall be granted a training waiver pursuant to this Section provided the individual:
 - (1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12 NCAC 09B .0205;
 - (2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year.

PROPOSED RULES

- (3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
- (4) takes and successfully complete the State Comprehensive Examination for the Detention
- ~~(5)(A) completes~~ completing the following topic areas in a full delivery of a commission-certified Detention Officer Certification Course:

Officer Certification Course in its entirety as set forth in 12 NCAC 10B .0606 during that probationary ~~period; and~~ period after:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

or

- (B) completing a commission certified truncated delivery of the Detention Officer Certification Course that covers the following topic areas:

<u>Course Orientation</u>	<u>3 hours</u>
<u>Ethics</u>	<u>3 hours</u>
<u>Fire Emergencies</u>	<u>4 hours</u>
<u>Aspects of Mental Illness</u>	<u>6 hours</u>
<u>Review and Testing</u>	<u>7 hours</u>
<u>Legal Aspects of Management and Supervision</u>	<u>14 hours</u>
<u>Contraband/Searches</u>	<u>6 hours</u>
<u>Medical Care in the Jail</u>	<u>6 hours</u>
<u>Patrol and Security Function of the Jail</u>	<u>5 hours</u>
<u>Key and Tool Control</u>	<u>2 hours</u>
<u>Supervision and Management of Inmates</u>	<u>5 hours</u>
<u>Suicides and Crisis Management</u>	<u>5 hours</u>
<u>Introduction to Rules and Regulations</u>	<u>2 hours</u>
<u>Stress</u>	<u>3 hours</u>
<u>Prison Rape Elimination Act</u>	<u>2 hours</u>
<u>TOTAL HOURS</u>	<u>73 hours</u>

(f) A truncated delivery of the Detention Officer Certification Course that only teaches blocks as specified in Paragraph (e) of this Rule is hereby authorized and shall comply with the following requirements:

- (1) The "Detention Officer Certification Training Manual," including subsequent amendments and editions, shall be used as the basic curriculum for the specified topics covered in the truncated delivery.
- (2) The "Truncated Detention Officer Certification Course Management Guide" published by the North Carolina Justice Academy is hereby incorporated by reference, including subsequent amendments and editions, and shall be used by school directors in planning,

implementing, and delivering the truncated basic detention officer training.

- (3) The standards and requirements established by the "Truncated Detention Officer Certification Course Management Guide" shall be adhered to by the school director. The Justice Academy shall issue to each certified school director a copy of the guide at the time of certification at no cost to the certified school.
- (4) Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as required by 12 NCAC 10B .0304.
- (5) Each executive officer or officers of the institution or agency sponsoring a truncated Detention Officer Certification Course shall

comply with the provisions of 12 NCAC 10B .0703 except for subsection .0703(c)(3)(D), as the truncated course does not require instruction in Subject Control Techniques because this is already provided in Basic Law Enforcement Training.

- (6) Each school director shall submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) in compliance with 12 NCAC 10B .0704(8).
- (7) Each school director shall not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B) in compliance with 12 NCAC 10B .0704(16).
- (8) The delivering institution or agency must be certified to deliver the Detention Officer Certification Course under 12 NCAC 10B .0802.
- (9) Each presentation of the truncated Detention Officer Certification Course shall be reported to the Commission in compliance with 12 NCAC 10B .0803.
- (10) All instructors, school directors, executive officers, or lecturers involved in teaching and administering a truncated Detention Officer Certification Course shall hold the same certifications and qualifications required of instructors, school directors, executive officers, or lecturers in the full Detention Officer Certification Course.

Authority G.S. 17E-4; 17E-7.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber and Electrolysis Examiners intends to adopt the rules cited as 21 NCAC 06O .0202 and .0203.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.barbers.nc.gov/news.html>

Proposed Effective Date: November 1, 2023

Public Hearing:

Date: August 1, 2023

Time: 10:00 a.m.

Location:

By videoconference at <https://bit.ly/BBEEAug2023rules> or by teleconference at (984) 204-1487 conference ID 533 413 014#

Reason for Proposed Action:

21 NCAC 06O .0202 would establish a presumptive civil penalty for individuals practicing electrology or laser hair practice without a license. The presumptive penalty would be set at the statutory maximum of \$5,000. (Under 21 NCAC 06O .0101, the presumptive penalty can be modified according to the criteria in G.S. 86B-10(b).)

21 NCAC 06O .0203 would establish presumptive civil penalties for electrology schools that fail to comply with regulatory requirements. Examples of noncompliance include operating a school without a license, failing to maintain records, falsifying records, and failing to submit records. (Under 21 NCAC 06O .0101, the presumptive penalties can be modified according to the criteria in G.S. 86B-10(b).)

Comments may be submitted to: Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699-7000; phone (919) 814-0641; email dennis.seavers@nc.gov

Comment period ends: September 15, 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 email. 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 06O – CIVIL PENALTY

SECTION .0200 – ELECTROLYSIS

21 NCAC 06O .0202 UNLICENSED PRACTICE

The presumptive civil penalty for an individual engaging in the practice of electrology or laser, light source, or pulsed-light treatments without a license is five thousand dollars (\$5,000).

Authority G.S. 86B-10; 86B-52.

21 NCAC 060 .0203 SCHOOLS

(a) The presumptive civil penalty for an individual operating a school of electrology or laser, light source, or pulsed-light treatments without certification pursuant to G.S. 86B-67:

Table with 3 rows: (1) 1st offense \$300.00, (2) 2nd offense \$400.00, (3) 3rd offense \$500.00

(b) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to maintain records required by this Chapter:

Table with 3 rows: (1) 1st offense \$200.00, (2) 2nd offense \$250.00, (3) 3rd offense \$500.00

(c) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments falsifying records required by 21 NCAC 06X .0105 and 21 NCAC 06X .0108 is five hundred dollars (\$500.00).

(d) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to submit records required by this Chapter:

Table with 3 rows: (1) 1st offense \$200.00, (2) 2nd offense \$350.00, (3) 3rd offense \$500.00

(e) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the facility requirements as set forth in 21 NCAC 06X .0106 and .0107:

Table with 3 rows: (1) 1st offense \$250.00, (2) 2nd offense \$400.00, (3) 3rd offense \$500.00

(f) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the student-instructor ratio set forth in 21 NCAC 06X .0110:

Table with 3 rows: (1) 1st offense \$250.00, (2) 2nd offense \$400.00, (3) 3rd offense \$500.00

Authority G.S. 86B-10; 86B-67; 86B-68.

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 42M .0105.

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

Proposed Effective Date: November 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 janice@ncoptometry.org

Reason for Proposed Action: The Board no longer requires Form BEO-9 (reporting of expenses paid by preceptor).

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

Comment period ends: September 15, 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 email. 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 42M - PRECEPTORSHIPS

21 NCAC 42M .0105 REMUNERATION AND EXPENSES

The preceptor shall serve as such without remuneration for his or her services. Any funds given to the preceptee shall be only for reimbursement of expenses and subsistence costs. All such funds shall be reported by the preceptor on Form BEO-9 to the Board no later than 30 days after the termination of the preceptorship.

Authority G.S. 90-115.1(3); 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 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th 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 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10B .0501-.0505*

Effective Date: *July 1, 2023*

Date Approved by the Rules Review Commission: *June 15, 2023*

Reason for Action: *Based on recent detections of wasting disease (CWD) outside of the currently designated primary surveillance area, the agency needs to adjust restrictions and requirements to assist with further detection, delineation, and isolation of CWD. Emergency powers are being used by the Executive Director to implement localized response actions and temporary rules are needed to replace emergency powers and specify requirements necessary to reduce movement and the likelihood of infecting new areas.*

been determined to be endemic and the rules of this Section apply.

(5) "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for CWD surveillance where a confirmed CWD positive cervid has been found.

(6) "Sample" means the cervid head and at least no less than three inches of the neck.

(7) "Secondary Surveillance Area" or "SSA" means a county adjacent to or near a PSA delineated by the Commission for CWD surveillance.

(8) "Submit" means to deliver a sample to a cervid health cooperator or qualified Commission employee or deposit in a Commission CWD Testing Drop-off Station.

(9) "Surveillance Area" means the PSA and SSA collectively.

History Note: Authority G.S. 113-134; 113-306; Temporary Adoption Eff. July 1, 2022; Temporary Adoption Eff. July 1, 2023.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to any an area of the State where Chronic Wasting Disease (CWD) has been detected, as determined by the Commission.

(b) The following definitions shall apply to rules in this Section:

- (1) "Cervid" means all the animals in the Family Cervidae not otherwise regulated by the NC Department of Agriculture and Consumer Services.
- (2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf of the Commission.
- (3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion disease affecting species within the deer (Cervidae) Family.
- (4) "CWD Management Area" means the area delineated by the Commission where CWD has

15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED

(a) The following Counties are Primary Surveillance Areas:

- (1) Cumberland County;
- (2) Stokes County;
- (3) Surry County;
- (4) Wilkes County; and
- (5) Yadkin County.

(b) The following Counties are Secondary Surveillance Areas:

- (1) Alexander County;
- (2) Alleghany County;
- (3) Ashe County;
- (4) Bladen County;
- (5) Davie County;
- (6) Forsyth County;
- (7) Guilford County;
- (8) Harnett County;
- (9) Hoke County;
- (10) Iredell County;
- (11) Robeson County;
- (12) Rockingham County; and
- (13) Sampson County.

History Note: Authority G.S. 113-134; 113-306; Temporary Adoption Eff. July 1, 2022; Temporary Adoption Eff. July 1, 2023.

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside a Surveillance Area, except that bird feeders specifically designed for nongame birds and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting to hunt during the urban archery season shall be allowed within the established season in participating municipalities.

(b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance Area.

(d) No cervid carcass or carcass parts originating from inside a Primary Surveillance Area or Secondary Surveillance Area shall be transported outside of the county of origin, except:

(b) It is unlawful to export a live cervid, cervid carcass, or carcass parts originating from inside a Surveillance Area except:

- (1) meat that has been boned out such so that no pieces or fragments of bone remain;
- (2) caped hides with no part of the skull or spinal column attached;
- (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- (4) cleaned lower jawbones with teeth or cleaned teeth;
- (5) finished taxidermy products and tanned hides; and
- (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.
- (7) carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and
- (8) carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.

(e) White tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(d) White tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance area.

(e) No person shall possess or use any a substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

- (1) products labeled as containing synthetic analogs of cervid excretions and labeled as such; excretions;

(2) natural substances labeled as being collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such; Services;

(3) natural deer urine products labeled as containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such; Services; and

(4) natural deer urine products labeled as containing excretions from facilities that meet all the following requirements and are labeled as such: requirements:

- (A) determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions;
- (B) complies with a federally approved CWD herd certification program and any federal CWD protocols; and
- (C) participates in additional herd management requirements as specified by the Wildlife Resources Commission.

*Authority G.S. 113-134; 113-306;
Temporary Adoption Eff. July 1, 2022;
Emergency Adoption Eff. September 1, 2022;
Temporary Adoption Eff. November 29, 2022;
Temporary Adoption Eff. July 1, 2023.*

15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREA

(a) Any A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday thereafter in PSA counties listed in Rule .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from that cervid no not later than 2 two weeks following the harvest for CWD testing.

(b) Any A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd Sunday thereafter in PSA counties listed in Rule .0203(a)(1)(A) or (B) of this Subchapter shall submit a sample from that cervid no not later than 2 two weeks following the harvest for CWD testing.

*History Note: Authority G.S. 113-134; 113-306;
Temporary Adoption Eff. July 1, 2022;
Temporary Adoption Eff. July 1, 2023.*

15A NCAC 10B .0505 SECONDARY SURVEILLANCE AREA

(a) Any A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday thereafter in SSA counties listed in Rule .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from that cervid no not later than 2 two weeks following the harvest for CWD testing.

TEMPORARY RULES

(b) ~~Any~~ A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd Sunday thereafter in SSA counties listed in Rule .0203(a)(1)(A) or (B) of this Subchapter shall submit a sample from that cervid ~~no~~ not later than ~~2~~ two weeks following the harvest for CWD testing.

*History Note: Authority G.S. 113-134; 113-306;
Temporary Adoption Eff. July 1, 2022;
Temporary Adoption Eff. July 1, 2023.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission June 15, 2023 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 2nd 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. (2nd 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

**RULES REVIEW COMMISSION MEETING
MINUTES
June 15, 2023**

The Rules Review Commission met on Thursday, June 15, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioner, Jay Hemphill was present via WebEx.

Staff member 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. Due to technical difficulties with the Webex streaming, the Chair called the meeting into recess at 9:11 a.m., and then restarted the agenda at 9:22 a.m. to give members of the public joining remotely the opportunity to hear the full meeting agenda.

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.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Follow up matter Tab E for Marine Fisheries Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the May 18, 2023, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the general account of the May 18, 2023 closed session. There were none and the general account was approved as distributed.

Upon the call of the Chair, the general account of the May 18, 2023 RRC closed session was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. 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

Upon the call of the Chair, 12 NCAC 09E .0107 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

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 02B .0315 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Marine Fisheries Commission

The Commission objected to 15A NCAC 03M .0101 in accordance with G.S. 150B-21.10. Specifically, the Commission adopted the staff opinion dated June 14, 2023, finding that the rule was unclear or ambiguous pursuant to G.S. 150B-21.9(a)(2), by roll-call vote, ayes 5, noes 1 as follows: Voting in the affirmative: Andrew Atkins, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 5. Voting in the negative: Wayne R. Boyles III - 1.

Phillip Reynolds, with the Department of Justice and representing the agency, addressed the Commission.

Tamara Zmuda, with the Department of Justice and representing the Wildlife Resources Commission, addressed the Commission.

Christian Waters, with the Wildlife Resources Commission, addressed 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.

Medical Board

21 NCAC 32B .1002 - The Commission extended the period of review for this Rule at the May meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Child Care Commission

Upon the call of the Chair, 10A NCAC 09 .0713, .2513, and .2809 were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 02D .0103, .0501, .0546, .0605, .1903, .1904, .1905, .2203; 02Q .0104, .0105, .0206, .0304, .0305, .0307, .0505, .0507, .0508, and .0710 by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 07H .0208, .0308; 07K .0207; 07M .0602, and .0603 by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Board of Dental Examiners

Upon the call of the Chair, 21 NCAC 16C .0501; 16H .0105; 16I .0201; and 16R .0204 were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Board of Nursing

Upon the call of the Chair, 21 NCAC 36 .0221 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Board of Examiners in Optometry

Upon the call of the Chair, 21 NCAC 42B .0107 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Real Estate Commission

Upon the call of the Chair, 21 NCAC 58A .0114 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

State Human Resources Commission

Upon the call of the Chair, 25 NCAC 01C .1007 was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10B .0501, .0502, .0503, .0504, and .0505 were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

COMMISSION BUSINESS

The Commission voted to deny the request from the Department of the Secretary of State to have rules in chapter 18 NCAC 07 removed from the 2024-2027 Existing Rules Review Schedule by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Ann Wall, the rulemaking coordinator with the agency, addressed the Commission.

The meeting was adjourned at 10:11 a.m.

The next regularly scheduled meeting of the Commission is Thursday, July 20, 2023, at 9:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

RULES REVIEW COMMISSION

June 15, 2023

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Jennifer Everett	DEQ
Philip Reynolds	NCDAJ
Christian Waters	NCWRC
Carrie Rullman	NCWRC
Denise Mazza	OSAP
Ann Wall	SOS
Dawn Bartley	NCSBDE
Keith Lanick	NC Farm Bureau
Amber Davis	DCDEE
Melissa Vuotto	NCREC
Sarah Dixon	NCREC
Dan Am	DCDEE
Elizabeth Pope	NCSWUB
Alison Kessler	NCDCDEE
Julie Youngman	SEL C

RULES REVIEW COMMISSION

Rules Review Commission Meeting June 15, 2023
Via WebEx

Name	Agency
Bradley Howard	WRC
Ann Elmore	SOSNC
Jessica Montie	DEQ
Elizabeth Kountis	DEQ
Karen Higgins	DEQ
Daniel Johnson	DOT
Denise Mazza	OSHR
Hannah Jernigan	DOT
Emily Wiley	DOT
Pfeiffer, Nadine A	DHHS
Brooks Rainey Pearson	SELNC
William Rafferty	Optometry
Janice Peterson	Optometry
Jesse Bisette	DEQ
John Barkley	DOJ
Monty Crump	gorockingham.com
Bridget Shelton	DEQ
Brandi Salmon	DEQ
Michelle Schilling	DOJ
Will Polk	DPS
Ellen Roeber	PT Board
Jill Cramer	Labor
Melva Bonner	WRC
Laura Rowe	Treasurer
Kyle Briggs	WRC
Anne Coan	NCFB
Corey Oakley	WRC
Jessica Helms	DOJ
Brooks Rainey Pearson	SELNC
Angela Ellis	BON
Chris Matteo	
Paul Wojoski	DEQ
Jason Rock	DEQ
Dan Zapf	DEQ
Shawn Maier	DEQ
Jason Walsh	DEQ
Mary Lucasse	DOJ
Catherine Blum	DEQ
Peck, Julie C	DHHS

RRC Closed Session General Account

May 18, 2023

Closed Session called to order by Chair Doran at 9:36 AM

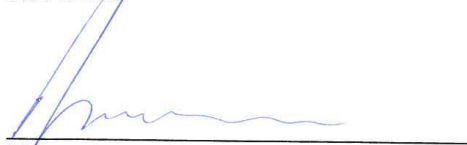
Review and Approval of April 2023 Closed Session General Account

- Due to technical difficulties, Commissioners Jackson, Boyles, and Hemphill were not present.
- Staff counsel Liebman distributed the general account to the Commissioners.
- The Chair asked for any discussion, comments, or corrections concerning the general account of the April 20, 2023 closed session. There were none and the minutes were approved as distributed.
- Commissioner Atkins moved to approve the general account.
 - Vice Chair Bryan seconded the motion.
 - There was no discussion.
 - The general account was approved by roll-call vote, ayes 7, noes 0 as follows:
 - Voting in the affirmative: Andrew Atkins, Bobby Bryan, Jeanette Doran, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho.
 - Voting in the negative: None.

Closed session ended at 9:38 AM



Brian Liebman
Staff Counsel



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

**LIST OF APPROVED PERMANENT RULES
June 15, 2023 Meeting**

CHILD CARE COMMISSION

<u>Staff/Child Ratios for Centers</u>	10A NCAC	09	.0713
<u>Cooperative Arrangement for Instructional Needs</u>	10A NCAC	09	.2513
<u>Enhanced Space Requirements</u>	10A NCAC	09	.2809

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Failure to Qualify: Annual In-Service Firearms Training</u>	12 NCAC	09E	.0107
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ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Neuse River Basin</u>	15A NCAC	02B	.0315
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DENTAL EXAMINERS, BOARD OF

<u>Dental Hygiene Licensure by Credentials</u>	21 NCAC	16C	.0501
<u>Dental Radiology Course and Examination Requirements</u>	21 NCAC	16H	.0105
<u>Continuing Education Required</u>	21 NCAC	16I	.0201
<u>Exemption from and Credit for Continuing Education</u>	21 NCAC	16R	.0204

NURSING, BOARD OF

<u>License Required</u>	21 NCAC	36	.0221
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OPTOMETRY, BOARD OF EXAMINERS IN

<u>National Board Examinations</u>	21 NCAC	42B	.0107
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REAL ESTATE COMMISSION

<u>Residential Property and Owners' Association Disclosure S...</u>	21 NCAC	58A	.0114
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STATE HUMAN RESOURCES COMMISSION

<u>Separation</u>	25 NCAC	01C	.1007
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**LIST OF APPROVED TEMPORARY RULES
June 15, 2023 Meeting**

WILDLIFE RESOURCES COMMISSION

<u>Definitions and General Requirements</u>	15A NCAC	10B	.0501
<u>CWD Surveillance Areas Defined</u>	15A NCAC	10B	.0502
<u>Surveillance Area</u>	15A NCAC	10B	.0503
<u>Primary Surveillance Area</u>	15A NCAC	10B	.0504
<u>Secondary Surveillance Area</u>	15A NCAC	10B	.0505