

# ***NORTH CAROLINA REGISTER***

**VOLUME 38 • ISSUE 18 • Pages 1166 – 1216**

**March 15, 2024**

<b>I. EXECUTIVE ORDERS</b>	
Executive Order No. 304-305 .....	1166 – 1175
<b>II. PROPOSED RULES</b>	
<b>Justice, Department of</b>	
Criminal Justice Education and Training Standards Commission .....	1176 – 1188
<b>Secretary of State, Department of</b>	
Department .....	1188 – 1189
<b>Occupational Licensing Boards and Commissions</b>	
Dental Examiners, Board of .....	1189 – 1195
Electrical Contractors, Board of Examiners of .....	1195 – 1196
Plumbing, Heating and Fire Sprinkler Contractors, Board of Examiners of... ..	1196 – 1199
Appraisal Board .....	1199 – 1204
<b>State Human Resources, Office of</b>	
State Human Resources Commission .....	1204 – 1208
<b>III. RULES REVIEW COMMISSION</b> .....	1209 – 1216

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2024 – December 2024

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
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
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39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

\*Dates not approved by the RRC

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 but not later than 60 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.

**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.



# State of North Carolina

**ROY COOPER**  
GOVERNOR

February 7, 2024

EXECUTIVE ORDER NO. 304

## STATE TYPE I DISASTER DECLARATION FOR INDIVIDUAL ASSISTANCE FOR CATAWBA COUNTY AND CONTIGUOUS COUNTIES

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

**WHEREAS**, on January 9, 2024, the State of North Carolina experienced severe weather in the form of an EF-1 Tornado with winds reaching 110 mph, damaging homes and businesses and causing one death; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.20, the undersigned declared a state of emergency for the entire State of North Carolina on January 8, 2024, continuing through January 12, 2024; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.22, Catawba County declared a local state of emergency on January 9, 2024; and

**WHEREAS**, due to the impacts from the severe weather, local, state, and federal emergency management officials conducted a joint preliminary damage assessment on January 16 through 19, 2024; and

**WHEREAS**, the President of the United States has not declared a Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter "Stafford Act"), as amended (42 U.S.C. § 5121-5206), declaration; and

**WHEREAS**, Catawba County would not qualify based on the preliminary damage assessment for Federal Individual Assistance according to the requirements of 44 C.F.R. § 206.48; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) Catawba County declared a local state of emergency pursuant to N.C. Gen. Stat. § 166A-19.22; (3) the preliminary damage assessment has met or exceeded the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. Part 123; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

**WHEREAS**, on February 1, 2024, the Small Business Administration declared a disaster for Catawba County and the contiguous counties of Alexander, Burke, Caldwell, Iredell, and Lincoln; and

**WHEREAS**, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. §166A-19.21(b)(1), exists in the State of North Carolina, specifically Catawba County and the contiguous counties of Alexander, Burke, Caldwell, Iredell, and Lincoln; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

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

**Section 1.**

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is Catawba County and the contiguous counties of Alexander, Burke, Caldwell, Iredell, and Lincoln (“the Emergency Area”).

**Section 2.**

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

**Section 3.**

I authorize state emergency assistance funds in the form of grants to individuals and families located within the Emergency Area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(1).

**Section 4.**

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

**Section 5.**

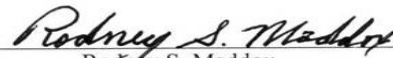
Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7<sup>th</sup> day of February in the year of our Lord two thousand and twenty-four.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

February 12, 2024

EXECUTIVE ORDER NO. 305

## AN ORDER TO PROTECT AND RESTORE NORTH CAROLINA'S CRITICAL NATURAL AND WORKING LANDS

**WHEREAS**, N.C. Const. Art. XIV, § 5 establishes that it is the policy of this State to conserve and protect its lands and waters for the benefit of all its people, that it is a proper function of the state to control and limit the pollution of our air and water and to preserve in every other appropriate way as a part of the common heritage its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 113A-3 it is the "...policy of the State to seek, for all of its citizens, safe, healthful, productive and aesthetically pleasing surroundings; to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety; and to preserve the important historic and cultural elements of our common inheritance" and

**WHEREAS**, the State acknowledges the intrinsic value of its natural lands in providing unparalleled opportunities for outdoor recreational activities, such as hunting, fishing, hiking, camping, and other nature-based pursuits, which foster a deep appreciation for the State's diverse ecosystems and abundant wildlife and supports billions of dollars of economic activity; and

**WHEREAS**, on May 25, 2023, the Supreme Court of the United States issued a decision in *Sackett v. EPA*, 143 S. Ct. 1322, 598 U.S. 651, that dramatically reduced federal protections for isolated wetlands, which will have permanent and significant consequences for the environment and people of the state; and

**WHEREAS**, on June 27, 2023, the General Assembly overrode Governor Roy Cooper's veto to enact the North Carolina Farm Act of 2023, which rolled back state protections for wetlands without first studying the environmental consequences of such an act for the people, environment, economy, and flood resiliency of the State of North Carolina; and

**WHEREAS**, the State recognizes the paramount importance of wetlands in providing flood control, water pollution filtration, aquifer regeneration, outdoor recreation, critical habitat; biodiversity; and reduction of wildfire risk to communities; and

**WHEREAS**, North Carolina is experiencing the impacts of climate change including more frequent and intense hurricanes, flooding, extreme temperatures, droughts, sea level rise, and saltwater intrusion, all of which are already imperiling the people and economy of North Carolina, and causing more than 250 billion dollars in damages in recent years; and

**WHEREAS**, the State is investing tens of millions of dollars in flood resiliency activities including the development of the statewide Flood Resiliency Blueprint; and

**WHEREAS**, North Carolina has more pocosins than anywhere else in the world; these unique high-carbon peatland wetland habitats cover a substantial portion of the state, and offer extensive benefits through carbon storage and sequestration; enhance water quality through storage and filtration; contribute to biodiversity and ecological resilience; and mitigate flood and fire risk that cause substantial economic costs; and

**WHEREAS**, pocosins and other peatlands, pine savannas, Carolina Bay ecosystems, and mountain bogs in the state are integral to North Carolina's natural and cultural heritage, biodiversity, and climate resilience properties, and are most at risk following *Sackett v. EPA* and the passage of the North Carolina Farm Act of 2023; and

**WHEREAS**, coastal wetlands such as marshes are vital to the State's ecosystems and its seafood industry and coastal marshes need open area for movement as sea level rises; and

**WHEREAS**, according to the 2022 North Carolina Greenhouse Gas Inventory, natural and working lands have high carbon sequestration potential, offsetting more than 34 percent of the State's greenhouse gas emissions; and

**WHEREAS**, according to the 2020 Natural and Working Lands Action Plan, in 2020 the State had more than 15.3 million acres of forests, including forested wetlands, which stored approximately 5.6 billion metric tons of carbon dioxide each year not held in conservation or protection from development; and

**WHEREAS**, the State supports the 2015 Paris Agreement's goals, and protecting natural and working lands is critical to achieving the state's commitments to the United States Climate Alliance under Exec. Order No. 80, 33 N.C. Reg. 1103-1106 (Dec. 3, 2018) and Exec. Order No. 246, 36 N.C. Reg. 1287-1291 (Feb. 1, 2022) to reduce statewide greenhouse gas emissions to 40 percent below 2005 levels; and

**WHEREAS**, a key recommendation of the 2023 North Carolina Deep Decarbonization Pathways Analysis was to prioritize sustainable management of natural and working lands, including through land conservation and forest restoration, which is critical to achieving net carbon neutrality by mid-century and meeting the state's goals under Executive Order No. 246; and

**WHEREAS**, natural and working lands are important to the U.S. Department of Defense's mission and its conservation priorities, and restoring and preserving the natural, working, and rural character of key landscapes protects vital testing and training missions conducted on military installations surrounded by such landscapes; and

**WHEREAS**, urban forests and tree canopies provide public health and community benefits such as cooling shade, improved air quality, green spaces for recreation, and flood reduction and North Carolina is losing, on average, 4510 acres of urban tree canopy cover per year according to the 2020 North Carolina Natural and Working Lands Action Plan; and

**WHEREAS**, the 2020 North Carolina Natural and Working Lands Action Plan, based on extensive stakeholder engagement and feedback, recommends taking transformative actions, which cut across sectors and require government implementors to change the "business as usual" approach to natural and working lands management; and

**WHEREAS**, the 2015 North Carolina Wildlife Action Plan provides a conservation blueprint for the State to guide collaborative and complimentary efforts for the benefit of biodiversity and resiliency of NC resources; and

**WHEREAS**, the Fisheries Reform Act of 1997 called for the development of a Coastal Habitat Protection Plan, and the 2021 Amendment to the plan noted that losses to forested wetlands alter hydrology and impact estuarine health, and called for restoring hydrologically altered peatlands; and



**WHEREAS**, the State recognizes the utmost significance of conserving its natural lands to safeguard and promote biodiversity, as these diverse ecosystems support a wide array of plant and animal species, including more than 600 species listed as threatened or endangered by the North Carolina Wildlife Resources Commission and North Carolina Plant Conservation Program; and contributes to the state's rich ecological heritage, and enhances the resilience of its natural systems in the face of environmental challenges; and

**WHEREAS**, the State aims to ensure that decision-making processes on land use, environmental, and conservation policy are informed by the best available scientific and technical knowledge and considerations of environmental justice; and acknowledges the value of engaging stakeholders, local communities, and private landowners in voluntary conservation efforts; and further recognizes the need for a unified state approach to enhancing conservation, restoration, and enhancement of natural and working lands; and

**WHEREAS**, in 2000 Governor James B. Hunt, in conjunction with the passage of N.C. Sess. Laws 2000-23, launched the Million Acre Initiative to permanently conserve one million acres of farmland, forestland, parkland, game land, wetlands, and open space by the year 2010, mobilizing state agencies and public and private partners to conserve natural lands statewide; and

**WHEREAS**, pursuant to Article III § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the State and is responsible for formulating and administering the policies of the executive branch of state government; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

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

**Section 1. North Carolina Goals**

It is the goal of the State of North Carolina to diligently protect, restore, and enhance natural and working lands that (i) facilitate carbon sequestration, (ii) strengthen ecosystem and community resilience, (iii) support biodiversity, (iv) provide vital ecosystem functions and services such as clean water and protection from floods, (v) support military training operations, (vi) facilitate tourism and enhance the State's economy, or (vi) provide opportunities for hunting, fishing, boating and other recreational activities.

The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, state, local, and private land protection and restoration efforts to accomplish the following collective goals by 2040:

- a. Permanently conserve one million (1,000,000) new acres of North Carolina's natural lands, with special focus on wetlands, as measured from year 2020.
- b. Restore or reforest one million (1,000,000) new acres of North Carolina's forests and wetlands, as measured from the year 2020.
- c. Plant one million trees (1,000,000) in urban regions of the state as measured from the year 2020.

In addition, Cabinet agencies shall, to the fullest extent of their authority under existing law, proactively seek to protect, enhance, and restore North Carolina's natural and working lands including by implementing relevant strategies promoted in the 2020 North Carolina Natural and Working Lands Action Plan. The North Carolina Department of Natural and Cultural Resources ("DNCR"), and the North Carolina Department of Environmental Quality ("DEQ") shall assist other Cabinet agencies in this effort, including recommending actions to further conservation and resiliency efforts.

**Section 2. Definitions**

For the purposes of this Executive Order, the following terms shall have the meanings ascribed to them below:

- a. "Natural and working lands" are lands that remain in natural condition or that are managed to support food and fiber production, or for the benefit of human communities. Examples include public and private forests, cropland, pastureland, game lands, grassland, wetlands, salt marsh, and recreational areas that are managed natural lands within urban and rural communities.
- b. "Wetlands" are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, pocosins, bays and similar areas. This definition does not depend on state or federal law and is intended to be broader in scope than current law.
- c. "Native plants" are plants that the United States Department of Agriculture ("USDA") has classified as native to a state or county in the Southeastern United States. Southeastern United States, for the purpose of this Executive Order, includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.
- d. "Nature-based solutions" means sustainable planning, design, environmental management, or engineering practices that incorporate natural features or processes into the built environment to promote adaptation and resilience.
- e. "Ecosystem services" are the economic, health, or quality of life benefits people receive from nature.
- f. "Restoration" means the return of an ecosystem to a close approximation of its condition and function prior to disturbance.

**Section 3. Addressing Knowledge Gaps**

A comprehensive understanding of natural and working lands is essential to inform the creation of environmental, conservation, climate, and resilience policies. To this end, specified Cabinet agencies shall undertake the following initiatives to close natural and working lands knowledge gaps:

- a. Within six (6) months of the signing of this Executive Order, DEQ shall develop a methodology to update existing wetland mapping data for North Carolina that may be employed to estimate the number acres of wetlands that may lose protections as a result of *Sackett v. EPA*, and the North Carolina Farm Act of 2023.
- b. Within four (4) months of the signing of this Executive Order, DEQ shall evaluate the feasibility of obtaining updated high-resolution remotely sensed land cover data state-wide to assist in the assessment of type and extent of natural and working lands, including wetlands. The outcome should provide a full 20-class high resolution land cover map. The map will support planning for community resilience to climate change, prioritizing habitat and wetland conservation and protection, and providing a foundation to assess land use change over time.
- c. Within ten (10) months of the signing of this Executive Order, DNCR shall identify the number of acres of natural land by category, as classified by the National Land Cover Database, permanently conserved in North Carolina as of 2020 and the number of acres of natural land by category permanently restored as of 2020. This analysis will serve as the benchmark to measure the progress of goals outlined in Section 1.
- d. Within twenty-four (24) months of the signing of this Executive Order, DNCR shall

develop and publish ecosystem vulnerability analyses, that analyze climate change's impacts on state biodiversity, and natural lands, and waters utilizing the North Carolina natural heritage inventory data and other data as deemed appropriate by DNCR.

- e. DEQ shall engage with an academic partner or partners to research and deliver a report or reports to the Governor and the appropriate leadership or committees of the North Carolina General Assembly that investigates the following:
  - i. The estimated social, economic, and environmental value of conserving natural and working lands by land type, with a special focus on wetlands.
  - ii. The estimated social, economic, and environmental impacts, including estimated flood risk, to the state associated with the degradation of wetlands that lost federal or state protections between 2022 and 2023.
  - iii. The expected costs to the state associated with ongoing and projected wetlands loss.
  - iv. The estimated social, resilience, economic, and environmental benefits of conservation policies, such as the reinstatement of conservation tax credits.

DEQ shall make a research request pursuant to Section 3(e) herein through the North Carolina Project Portal and shall prioritize partnering with Historically Black Colleges and Universities and Minority Serving Institutions. The report shall be completed within twelve (12) months of the signing of this Executive Order.

**Section 4. Protecting Vulnerable Wetlands and Other Critical Ecosystems**

Recognizing the importance of preserving pocosins, Carolina Bay ecosystems, coastal wetlands, mountain bogs, and sea marsh corridors, DNCR and DEQ shall collaboratively identify the geographic boundaries of these ecosystems. These designations may expand upon existing area-based designations and shall be published within six months after the publishing of the assessment described in Section 3b of this Executive Order.

Cabinet agencies involved in awarding grants should consider, to the fullest extent of their authority, potential adverse impacts of grant-funded activities in the above-referenced ecosystems.

DNCR shall recommend new national natural landmark designations to the National Park Service in such a way as to elevate North Carolina's unique natural heritage and prioritize specialized wetlands under the greatest threat of conversion.

**Section 5. No-Net Loss and Lead-by-Example Policies**

In pursuit of sustainable land management practices, Cabinet agencies shall adopt the following "no-net-loss" and "lead-by-example" policies and initiatives.

**No-Net Loss Policy**

Cabinet agencies shall strive to protect, enhance, and fully restore the quality and extent of North Carolina's forested lands and wetlands in accordance with a goal of "no-net-loss" to these ecosystems as a result of Cabinet agency activities. Agencies shall achieve this through the following activities:

- a. Cabinet agencies shall strive to minimize new construction that adversely affects forested lands and wetlands.
- b. Where no reasonable alternative construction site exists, Cabinet agencies shall strive to minimize the impact of new construction projects on forestlands, wetlands, and riparian areas. This may involve activities such as incorporating nature-based solutions into designs, offsetting environmental impacts through compensatory mitigation, and offsetting environmental impacts through state acquisition or restoration of natural and working lands through other activities across Cabinet agencies.
- c. As a long-term goal, the State shall strive for a "net gain" in wetlands, emphasizing

their conservation and economic value and enhancement for future generations.

**Lead by Example Policies**

DEQ shall pursue competitive funding to support the acquisition and restoration of pocosins and other wetlands to enhance flood resiliency and ecosystem protections, improve water quality, and sequester carbon.

Where reasonable and in accordance with existing law and authority, Cabinet agencies shall consider conservation, biodiversity, and resiliency benefits during grant, permitting, and leasing processes.

DNCR shall incorporate ecological and social benefits along with climate impact considerations into the existing Biannual Protection Plan and North Carolina Conservation Planning Tool. The North Carolina Conservation Planning Tool shall add ecosystems identified in Section 4, climate resilience, carbon sequestration potential, ecosystem services, impact on marginalized and underserved populations, risk of conversion, proximity to other conserved lands, and pollinator habitat as the datasets become publicly available. Cabinet agencies should strongly consider prioritizing land acquisition intended to be held in permanent conservation using the updated statewide North Carolina Conservation Planning Tool. Other state agencies are encouraged to consider utilizing the updated tool for land acquisition prioritization.

**Section 6. Native Plant Policy**

Landscaping for all property allocated to the North Carolina Department of Administration (“DOA”) or any other Cabinet agency shall only use seeds and plants that the USDA has classified as native to a state or county in the Southeastern United States, including cultivars and varieties thereof that were not bred to have reduced reproductive structures, with a strong preference for plants the USDA has classified as native to North Carolina. The following non-native plants shall be exempted from this policy:

- 1) Non-native plants on property allocated to or incorporated as part of a project that already exists at the time of the effective date of this policy;
- 2) Non-native turf grass;
- 3) Non-native seeds and plants where the primary purpose is:
  - a) crop cultivation,
  - b) scientific research,
  - c) botanical or historical gardens,
  - d) plantings for wildlife, or
  - e) plantings for exhibits or for animal consumption at museums, zoos, and aquariums.

State-funded or permitted projects and activities, including those administered on behalf of the federal government, shall avoid introducing non-native plants. To support native biodiversity, Cabinet agencies shall also consider the native plant practices of private properties in future lease agreements.

Local governments are encouraged to adopt similar native plant policies.

**Section 7. Promoting Statewide Conservation and Resilience**

DNCR and DEQ shall strive to expand nature-based educational opportunities for North Carolina youth and promote public awareness of the significance of natural and working lands, along with opportunities to participate in voluntary conservation.

DEQ shall work with stakeholders to evaluate the feasibility of approaches to incentivize or compensate owners of agricultural lands for voluntary and temporary use of those lands as floodwater diversion or retention areas.

The DOA State Construction Office shall provide nature-based solution design best practices and host at least one educational training program on nature-based solution design and construction practices for the target audience of relevant construction and design firms.

DEQ, DNCR, and the North Carolina Office of Recovery and Resiliency (“NCORR”) shall, in consultation with the DOA Commission on Indian Affairs, promote and support new and ongoing ecosystem conservation and restoration efforts along with climate resiliency initiatives on natural lands within tribal communities or owned by tribal governments.

Council of State members, higher education institutions, local governments, private businesses, non-governmental organizations, and other North Carolina entities are strongly encouraged to protect, restore, and enhance natural and working lands, and adopt the policies in this Executive Order. Subject to applicable law, Cabinet agencies shall actively support state and local efforts.

**Section 8. Evaluation, Monitoring, and Reflexive Reform**

DNCR, DEQ, and NCORR shall collaborate to identify available grant opportunities and potential sources of funding to support efforts outlined in this Executive Order.

DNCR and DEQ shall convene meetings at least quarterly with relevant stakeholders as needed to ensure effective coordination and to facilitate the implementation of this Executive Order. Cabinet agencies shall assist DEQ and DNCR in implementing this Executive Order, including sharing relevant information and data.

The Governor’s Office and all affected Cabinet agencies shall incorporate environmental justice considerations and equity benefits into the implementation of this Executive Order, in alignment with the principles of Executive Order No. 246 and Exec. Order No. 292, 38 N.C. Reg. 654-659 (Dec. 1, 2023). The Governor’s Environmental Justice Council shall offer its assistance and consultation in supporting these efforts where applicable.

Every three (3) years, DNCR shall publish and deliver to the Governor an updated Natural and Working Lands Action Plan. The next update shall be published no later than October 31, 2024. These updates shall assess the progress of ongoing conservation efforts by the state and include an evaluation of actions toward achieving the goals of this Executive Order and the 2020 Natural and Working Lands Action Plan. Additionally, DNCR shall identify critical current or emerging knowledge gaps relating to natural and working lands management. DNCR shall consider ongoing Cabinet agency data collection and survey efforts and provide recommendations on addressing them for inclusion in updates to the 2020 Natural and Working Lands Action Plan. Furthermore, DEQ and DNCR shall identify and report on programs and initiatives that require additional resources to effectively achieve the objectives and purposes of this Executive Order.

**Section 9. Severability**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

**Section 10. No Private Right of Action**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

**Section 11. Effective Date**

This Executive Order is effective immediately and shall remain in effect unless rescinded or superseded by another applicable Executive Order. Unless otherwise specified, the provisions in this Executive Order go into effect at the time of signing.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 12<sup>th</sup> day of February in the year of our Lord two thousand and twenty-four.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State



Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to adopt the rule cited as 12 NCAC 09A .0208 and amend the rules cited as 12 NCAC 09A .0204, .0205; 09B .0104, .0304, .0504, .0505; 09C .0309, .0310; 09D .0102; 09G .0205, .0211, .0417, .0418, and .0602.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/

Proposed Effective Date: November 1, 2024

Public Hearing:

Date: May 14, 2024

Time: 1:00 p.m.

Location: Meeting to be held on Microsoft Teams. Microsoft Teams meeting information is listed on the agency's website.

Reason for Proposed Action: To update what medical providers can complete required forms, to update certification requirements for Qualified Assistants, to update criminal charge information for certified individuals, to update requirements for receipt of professional certificates, and to create requirements for conduct of public hearings.

Comments may be submitted to: Michelle Schilling, NC Department of Justice, Criminal Justice Standards Division, PO Box 149, Raleigh, NC 27602-0149

Comment period ends: May 14, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed or been convicted of by a local, state, federal, or military court of any offense as outlined in 12 NCAC 09B .0111(a).

- a felony offense; or
a criminal offense for which the authorized punishment included imprisonment for more than two years, years; or
a crime or unlawful act defined as a "Class B misdemeanor" within the 5 year period prior to the date of certification;

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

- has not enrolled in and satisfactorily completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified position or job title;
fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;
has committed or been convicted of:
a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B misdemeanor; or
four or more criminal offenses or unlawful acts defined in 12 NCAC

- 09A .0103 as a Class A misdemeanor, each of which occurred after the date of initial certification;
- (4) has been discharged by a criminal justice agency for commission or conviction of:
  - (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or
  - (B) any other offense involving moral turpitude;
- (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;
- (6) has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission;
- (8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training or certification from the Commission;
- (9) has failed to make either of the notifications as required by 12 NCAC 09B ~~.0101(8)~~; 0101(13);
- (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E;
- (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in this Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the agency through which the officer is certified;
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310, where the positive result cannot be explained to the Commission's satisfaction;
- (14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

- (15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
  - (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition.
- (c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

- (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
- (2) commission or conviction of a criminal offense for which punishment is authorized by law to include imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
- (3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules;
- (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;
- (4) material misrepresentation of any information required for certification or accreditation;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;
- (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(13);



- (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
- (9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A .0103(24)(b), regardless of the date of conviction.
- (10) commission or conviction of four or more crimes or unlawful acts as defined as "Class B misdemeanor" in 12 NCAC 09A .0103(24)(b), except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification; or
- (11) commission or conviction of a combination of four or more "Class A Misdemeanor" or "Class B Misdemeanor" offenses regardless of the date.

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, .0225, .0235, and 0236;
- (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09A .0208 PUBLIC COMMENTS AT HEARINGS**

For hearings in which public comments are allowed or required, the following rules apply:

- (1) The Chair may:
  - (a) authorize the designation of any agency employee to act as the hearing officer;
  - (b) set out the type of hearings that the designated employees are authorized to conduct;
  - (c) reference the rules of procedure for conducting public rulemaking hearings.
- (2) The Chair may set time limits on oral presentations.
  - (a) Unless the Chair specifies otherwise, oral presentations are limited to five minutes per person or requesting entity;

- (b) The Chair may require that oral presentations be limited to representative spokespersons for those advocating or opposing agenda items;
- (c) In making the above decisions, the Chair should consider:
  - (i) the length of the agenda and of the meeting;
  - (ii) the number of rules or agenda items subject to comment;
  - (iii) the complexity of the issues;
  - (iv) the public interest in a particular rule, report or agenda item;
  - (v) the number of people desiring to address the agency;
  - (vi) the variations in the speakers' arguments and level of agreement within their positions or relationships;
  - (vii) the nature of the comments in relation to the agency's scope of review; and
  - (viii) the amount of notice given to the agency, commission, or committee.

(3) The Chair will set the date, time, and place of any public hearing, and, when required, comply with North Carolina General Statutes Chapter 150B.

- (a) If no hearing end time is designated prior to the beginning of the meeting, the Chair may end the hearing at any appropriate time.
- (b) If a hearing end time has been designated for a hearing in which comments will be accepted, the hearing officer will remain in the meeting until such end time is reached.

(4) When a hearing officer is designated, the hearing officer will collect written and oral submission presented during the hearing and submit to the agency, commission or committee as appropriate following the close of the record.

(5) Nothing in this rule is meant to require the agency, commission, or committee to allow public comment when not required by statute.

(6) For purposes of this rule, Chair means the person designated as chairperson for the agency, commission or committee, holding the hearing. In the event the Chair is not present at hearing, the Vice-Chair will preside, and if the Vice-Chair is also not present, then the hearing officer will preside, and either will act, for purposes of this rule and for the hearing, with the authority of the Chair.

Authority G.S. 150B.

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a ~~basic law enforcement training course~~ Commission approved Basic Law Enforcement Training Course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a ~~surgeon~~, physician, physician assistant, or nurse practitioner who ~~is licensed to practice in North Carolina or authorized to practice medicine in the United States Armed Forces, as outlined in 10 U.S. Code 1094, holds a current license to practice medicine,~~ to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), which must be read, completed, and signed; and
(2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2).

(c) The "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice may be obtained for use by the examining physician, surgeon, physician's assistant, or nurse practitioner, at no cost, at https://ncdoj.gov/law-enforcement-training/criminal-justice/.

(d) The examining physician, surgeon, physician's assistant, nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(e) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Basic Law Enforcement Training Course; and
(2) the agency submission of application for certification to the Commission.

Authority G.S. 17C-6; 17C-10.

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

(a) The Commission shall issue a Specialized Instructor Certification to an applicant who has developed specific motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:

- (1) ~~Subject Control Arrest Techniques;~~ Compliance and Control Techniques;
(2) First Responder;
(3) Firearms;
(4) Law Enforcement Driver Training;
(5) Physical Fitness;
(6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of ~~Adult Correction and Juvenile Justice);~~
(7) Medical Emergencies (Department of Public Safety, Division of ~~Adult Correction and Juvenile Justice); or~~
(8) Explosive and Hazardous Materials ~~Emergencies.~~ Emergencies; or
(9) Standardized Field Sobriety Testing.

(b) To qualify for and maintain ~~any~~ Specialized Instructor Certification, Certification in topical areas in Paragraph (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) An applicant shall achieve a minimum score of 75 percent on the comprehensive written exam, as specified in Rule .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

- (1) ~~Subject Control Arrest Techniques;~~ Compliance and Control Techniques;
(2) Firearms;
(3) Law Enforcement Driver Training;
(4) Physical Fitness; and
(5) Explosive and Hazardous Materials Emergencies.

(d) To qualify for Specialized Instructor Certification in the ~~Subject Control Arrest Techniques~~ Compliance and Control Techniques topical area, an applicant shall meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
(2) Complete the pertinent Commission-approved specialized instructor course; and
(3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall satisfy one of the following two options:

- (1) The first option is:
(A) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council;
(B) Hold, or have held, basic Emergency Medical Technician certification;
(C) Have completed the Department of Transportation's 40 hour EMT Instructor Course or equivalent within

the last three years or hold a North Carolina Professional Educator's License, issued by the Department of Public Instruction; and

(D) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(2) The second option is:

(A) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;

(B) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;

(C) Hold, or have held, basic EMT certification; and

(D) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following requirements:

(1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;

(2) Complete the Commission-approved specialized firearms instructor training course; and

(3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an applicant shall meet the following requirements:

(1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;

(2) Complete the Commission-approved specialized driver instructor training course; and

(3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(h) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become certified through one of the following two methods:

(1) The first method is:

(A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;

(B) complete the Commission-approved specialized physical fitness instructor training course; and

(C) obtain the recommendation of a Commission-certified School Director.

(2) The second method is:

(A) Complete the Commission-approved specialized physical fitness instructor training course;

(B) obtain the recommendation of a Commission-certified School director or in-service training coordinator; and

(C) meet one of the following qualifications:

(i) hold a valid North Carolina Professional Educator's License, issued by the Department of Public Instruction, hold a baccalaureate degree in physical education, and be presently teaching in physical education topics; or

(ii) be presently instructing physical education topics in a community college, college, or university and hold a baccalaureate degree in physical education.

(i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:

(1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for Alcohol Branch, as a Standardized Field Sobriety Instructor.

(2) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

~~(j)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of ~~Adult Correction and~~ Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the following requirements:

(1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;

(2) Complete the Commission-approved corrections specialized instructor training – controls, restraints, and defensive techniques course; and

(3) Obtain the recommendation of a Commission-certified school director.

~~(k)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of ~~Adult Correction and~~ Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:

(1) Have completed a Commission-certified basic instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in

- education, military training, and private enterprise;
- (2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council; and
  - (3) Obtain the recommendation of a Commission-certified school director.
- ~~(k)(l)~~ To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant shall satisfy one of the following two options:
- (1) The first option is:
    - (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
    - (B) Complete the Commission-approved specialized explosives and hazardous materials instructor training course; and
    - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
  - (2) The second option is:
    - (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
    - (B) Complete the Commission-approved specialized explosives and hazardous materials instructor training course; and
    - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

Authority G.S. 17C-6.

**SECTION .0500 - MINIMUM STANDARDS FOR  
CRIMINAL JUSTICE SCHOOL DIRECTORS**

**12 NCAC 09B .0504 CERTIFICATION OF  
QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) ~~have four years of experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;~~

- ~~(3) be certified as a General Instructor, pursuant to 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Instructor Training Course;~~
- ~~(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Orientation Course as offered by the North Carolina Justice Academy;~~
- ~~(5) have completed an orientation course conducted by Standards Division staff; and~~
- ~~(6) participate in the annual training conducted by Commission staff.~~
- (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.
- (4) attend or must have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff; and
- (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified Assistant.

(b) In addition to the requirements identified in Paragraph (a) of this Rule, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

~~(b) Any person designated by a School Director as a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.~~

~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application form. The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and Publications.aspx>. Applicants shall provide the following information on the Qualified Assistant Application Form:~~

- ~~(1) accredited school name and contact information;~~
- ~~(2) applicant's name and contact information;~~
- ~~(3) applicant's instructor certification number; and~~
- ~~(4) School Director name and signature.~~

~~(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and (b) of this Rule.~~

(c)(e) When directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

Authority G.S. 17C-6.

**12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0504(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the Rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the person has engaged in any conduct outlined in Rule .0301(e) or (f) of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09B .0504(c);
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

Authority G.S. 17C-6.

**SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS**

**12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL**

(a) An officer, supervisor or administrator with general certification may transfer from one local confinement facility to another local confinement facility, or may transfer from one county confinement facility to another county confinement facility with less than a 12-month break in service. Prior to employing the individual, the employing agency shall:

- (1) verify the certification of the individual with the Standards Division;
- (2) submit an up-to-date fingerprint check in the same manner as prescribed for non-certified new applicants; no certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension or certification is authorized;
- (3) advise the individual that he will be serving under a probationary appointment with the agency for one year;
- (4) notify the Commission, by submitting a Report of Appointment, that the individual is being employed and stating the date on which employment will commence.

(b) Prior to transfer of certification, local confinement personnel shall:

- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;
- (2) submit to examination by a physician ~~licensed to practice medicine in North Carolina~~ who holds a current license to practice medicine in the same manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
- (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5).

(c) Local confinement personnel previously certified who were not previously required to meet the educational or basic training requirements are not required to meet such requirements when laterally transferring to another agency with less than a 12-month break in service.

Authority G.S. 17C-2; 17C-6; 17C-10.

**12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

(a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas

chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;

- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff shall document the collection, storage, and processing of the specimen for testing purposes.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
- (5) conduct the test within 90 days of certification;
- (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, who holds a current license to practice medicine, ~~shall be a licensed physician~~, the positive results are not required to be reported.

(c) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of this Rule.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services

for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

Authority G.S. 17C-6; 17C-10.

**SUBCHAPTER 09D – PROFESSIONAL CERTIFICATE PROGRAMS**

**SECTION .0100 - LAW ENFORCEMENT OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM**

**12 NCAC 09D .0102 GENERAL PROVISIONS**

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall presently hold general law enforcement officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings, or who is currently on probation subsequent to suspension or revocation proceedings, or is under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding;
- (2) The officer shall be familiar with and subscribe to the Law Enforcement Code of Ethics;
- (3) The officer shall be a full-time, sworn, paid member of a law enforcement agency within the state;
- (4) Applicants shall be given credit for the satisfactory completion of all in-service law enforcement training which is not mandated by the Commission pursuant to 12 NCAC 09E .0105;
- (5) Applicants shall not be given credit for the satisfactory completion of Commission-mandated Basic Law Enforcement Training courses; and
- (6) Full-time, paid employees of a law enforcement agency within the State who have successfully completed a Commission-accredited law enforcement officer basic training program and have previously held general law enforcement

officer certification as specified in Subparagraph (1) of this Paragraph, but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the law enforcement agency from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) Twenty classroom hours of Commission-approved law enforcement training shall equal one point; and
- (3) Only experience as a full-time, sworn, paid member of a law enforcement agency or equivalent experience shall be acceptable for consideration.

Authority G.S. 17C-6.

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION**

**SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0205 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a ~~surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice in North Carolina or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S. Code 1094,~~ holds a current license to practice medicine, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer.

(b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify

the examining surgeon, physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

(c) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

(a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then the agency needs a firmly established chain of custody procedure;
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost

at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;  
(5) conduct the test within 90 days of certification;  
(6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant to the satisfaction of the agency's Medical Review Officer, who ~~shall be a licensed physician~~, holds a current license to practice medicine, the positive results are not required to be reported.

(c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review Officer, who ~~shall be a licensed physician~~, holds a current license to practice medicine, to the extent the drug screen conducted conforms to the specifications of this Rule.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

Authority G.S. 17C-6; 17C-10.

**SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a ~~qualified assistant~~ Qualified Assistant shall be designated to assist the

School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) ~~have four years of experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;~~
- (3) ~~be certified as a General Instructor, pursuant to Rule .0308 of this Subchapter, if certified as a Qualified Assistant for an Instructor Training Course;~~
- (4) ~~if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;~~
- (5) ~~have completed an orientation course conducted by Standards Division staff; and~~
- (6) ~~participate in the annual training conducted by Commission staff.~~
- (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.
- (4) attend or must have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff; and
- (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified Assistant.

(b) In addition to the requirements identified in Paragraph (a) of this Rule, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

~~(b) Any person designated by a School Director as a Qualified Assistant or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.~~

~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form F-10(QA) is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and>~~



~~Publications.aspx. Applicants shall provide the following information on the Qualified Assistant Application Form:~~

- ~~(1) accredited school name and contact information;~~
- ~~(2) applicant's name and contact information;~~
- ~~(3) applicant's instructor certification number; and~~
- ~~(4) School Director name and signature.~~

~~(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and (b) of this Rule.~~

~~(e)(c)~~ When directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

*Authority G.S. 17C-6.*

**12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0417(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09G .0417(c);
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*Authority G.S. 17C-6.*

**SECTION .0600 - PROFESSIONAL CERTIFICATE PROGRAM**

**12 NCAC 09G .0602 GENERAL PROVISIONS**

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall hold a general correctional officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation ~~proceedings~~ proceedings, or who is currently on probation subsequent to suspension or revocation proceedings, or under investigation for possible decertification action by the Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding.
- (2) The officer shall hold general certification with the Commission in one of the following categories:
  - (A) correctional officer; or
  - (B) probation/parole officer.
- (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (4) Permanent, paid employees of the Department of Public Safety, Division of Adult Correction and Juvenile Justice who have completed a Commission-certified corrections officer basic training program and have previously held general certification as specified in 12 NCAC 09G .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires employment with the Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as a corrections officer. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and
- (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice or the

equivalent experience as determined by the Commission shall be acceptable of consideration.

Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

(c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

Authority G.S. 17C-6.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rule cited as 12 NCAC 09G .0208 and repeal the rule cited as 12 NCAC 09G .0202.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/

Proposed Effective Date: July 1, 2024

Public Hearing:

Date: May 14, 2024

Time: 1:00 p.m.

Location: Meeting to be held on Microsoft Teams. Microsoft Teams meeting information is listed on the agency's website.

Reason for Proposed Action: To include those individuals holding green cards, classified as Legal Permanent Residents, to hold Correctional Officer certification if meeting hiring requirements.

Comments may be submitted to: Michelle Schilling, NC Department of Justice, Criminal Justice Standards Division, PO Drawer 149, Raleigh, NC 27602-0149

Comment period ends: May 14, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission,

please review 26 NCAC 05 .0110 or 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 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0202 CITIZENSHIP

Every person employed as a correctional or probation/parole officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall provide the agency with documentation verifying that he or she is a citizen of the United States.

Authority G.S. 17C-6; 17C-10.

12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS

(a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the correctional officer is certified by the Commission.

(b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States; States, or have a U.S. Permanent Resident Card (Green Card) and have resided in the United States for at least five years;
(2) be at least 20 years of age;
(3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
(5) have had a medical examination as required by 12 NCAC 09G .0205;
(6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
(7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;

- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
  - (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
  - (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s);
  - (11) 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 in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
  - (12) make the following notifications:
    - (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division (Division) and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
    - (B) within 30 days of the qualifying event, notify the Division and the appointing agency head in writing of all criminal offenses for which the officer 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 (correctional officers section) and offense of driving under the influence (DUI) or driving while impaired (DWI);
    - (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
    - (D) within 30 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;
    - (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
- (f) 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 as 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, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

Authority G.S. 17C-6; 17C-10.

**TITLE 18 – DEPARTMENT OF THE SECRETARY OF STATE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of the Secretary of State intends to amend the rules cited as 18 NCAC 07B .0404-.0406; 07F .0303, .0401, .0503, .0505-.0509, .0512, .0513, .0601, .0806, .0807, .0903, .0906, .1102, .1106, .1109-.1111; 07I.0303, .0305, and .0406.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** *North Carolina Secretary of State General Counsel Phase One Rulemaking (sosnc.gov)*  
[https://sosnc.gov/divisions/general\\_counsel/open\\_rulemaking\\_phase\\_one\\_rulemaking](https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking)

**Proposed Effective Date:** *March 1, 2025*

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): To request a public hearing: No later than Monday, April 1, 2024, submit a written request including your contact information to: Ann B. Wall, General Counsel and Rulemaking Coordinator. By email to: rules@sosnc.gov with a subject line of Request for Public Hearing. By USPS to: Ann B. Wall, General Counsel and Rulemaking Coordinator, P.O. Box 29622, Raleigh, NC 27626-0622. By hand-delivery or courier service to: Ann B. Wall,*

General Counsel and Rulemaking Coordinator, 2 S. Salisbury Street, Raleigh, NC 27606.

**Reason for Proposed Action:** The Department of the Secretary of State is engaged in rulemaking pursuant to the Remote Electronic notarization Act, S.L. 2022-53, as amended by S.L. 2023-57 and S.L. 2023-124. The Department has divided this rulemaking into three phases. The Phase 1 rules listed in this notice were approved by the Rules Review Commission (RRC) at its January 2024 meeting with an effective date of July 1, 2024. The Phase 1 rules include general rules, electronic notary rules, and notary journal rules. A July 1, 2024 effective date is no longer appropriate for the group of Phase 1 rules listed in this notice. The Department proposes changing the July 1, 2024 effective date to an effective date of March 1, 2025 for the rules listed in this notice. NO substantive changes are being made to the Phase 1 rules approved by RRC in January 2024. The reason for the effective date change is that the Phase 1 rules listed in this notice are interconnected with Phase 2 and Phase 3 rules. The Phase 2 rules are scheduled for RRC consideration at its February 28, 2024 meeting. The Phase 3 rules are presently being drafted. The delay in the effective date of the rules listed in this notice does not to create new requirements or benefits. The change in effective dates avoids confusion that could result from effective dates of rules that cannot be timely implemented. The change in effective date will reduce confusion for the regulated public, enable timely implementation, and allow interrelated rules in Phases 1, 2, and 3 to be effective appropriately. Please note: Phase 1 rules that are not listed in this notice will be effective on the dates previously approved by the RRC: January 1, 2024 for rules in 18 NCAC 07K .0200, and July 1, 2024 for all other Phase 1 rules not listed in this notice.

**Comments may be submitted to:** Ann B. Wall, General Counsel, PO Box 29622, Raleigh, NC 27626-0622; phone (919) 814-5400; email rules@sosnc.gov (Email comments are preferred. Address for courier or hand-delivery is: 2 South Salisbury Street, Raleigh, NC 27601)

**Comment period ends:** May 14, 2024

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of these proposed rules. The text of the rules was previously published in Volume 38 Issue 04 pages 192-212.

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

**CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to adopt the rules cited as 21 NCAC 16A .0107; 16U .0104, and amend the rules cited as 21 NCAC 16A .0101; 16B .0303; 16C .0303; 16N .0202 and .0501-.0504.

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

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

**Public Hearing:**

**Date:** April 18, 2024

**Time:** 6:00 p.m.

**Location:** 2000 Perimeter Park Drive, #200, Morrisville, NC 27560

**Reason for Proposed Action:**

21 NCAC 16A .0101 is proposed for amendment to remove the definition of "candidate" as unnecessary and to add a definition of "secure electronic transmission."

21 NCAC 16B .0303 is proposed for amendment to require test-administration agencies to assign at least one Board member to each examination administered in North Carolina.

21 NCAC 16C .0303 is proposed for amendment to require test-administration agencies to assign at least one Board member to each examination administered in North Carolina.

21 NCAC 16N .0202 is proposed for amendment to reflect current procedures for the Board's rulemaking notice mailing list.

21 NCAC 16N .0501 is proposed for amendment clarify procedures related to a licensee's or applicant's right to an administrative hearing and the statutory exceptions to the right to a hearing.

21 NCAC 16N .0502 is proposed for amendment to clarify procedures related to a licensee's or applicant's request for an administrative hearing.

21 NCAC 16N .0503 is proposed for amendment to clarify the Board's procedures related to granting or denying a request for a hearing.

21 NCAC 16N .0504 is proposed for amendment to set out information regarding serving the notice of hearing, remove provisions related to the notice of hearing that are not required by G.S. 150B-38, and clarify the procedures around summary suspensions.

21 NCAC 16U .0104 is proposed to establish and clarify a licensee's obligations to cooperate with Board inquiries.

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: May 14, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 – BOARD OF DENTAL EXAMINERS

SUBCHAPTER 16A – ORGANIZATION

21 NCAC 16A .0101 DEFINITIONS

As used in this Chapter:

- (1) "Applicant" means a person applying for any license or permit issued by the Board; Board.
(2) "Board" means the North Carolina State Board of Dental Examiners; Examiners.
(3) "Candidate" means a person who has applied and been accepted for examination to practice dentistry or dental hygiene in North Carolina;
(4)(3) "Current license" means a license that is renewed by the licensing board; board.
(5)(4) "CPR certification" means that the licensee has completed a CPR course that meets American Red Cross or American Heart Association standards for certification and that provides manikin testing on the subjects of cardio-

pulmonary of cardiopulmonary resuscitation. The course must shall also cover the use of an automatic external defibrillator, unconscious and conscious choking choking, and rescue breathing. breathing, provided that the foregoing requirements shall not be interpreted in any way that violates the Americans with Disabilities Act. The manikin testing shall be provided by an instructor who is present in the training room with the students; students.

- (6)(5) "Internship" means practice in an educational training program. Internship does not mean practice under an intern permit while holding an unrestricted general dental or dental specialty license issued by a state, U.S. territory territory, or the District of Columbia; Columbia.
(6) "Secure electronic transmission" means an electronic method of communication that ensures that completeness, integrity, and confidentiality of information are maintained during transmission.
(7) "Unrestricted license" means a license that is not under suspension or inactivation, or subject to the terms of a consent order or other disciplinary action imposed by the jurisdiction that issued the license, or limited by supervision or location requirements; requirements.
(8) Except where otherwise defined by these Rules or by statute, "supervision," "direct supervision," and "supervision and direction" means that the dentist overseeing treatment is present in the same facility or location and available during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval and that the dentist must shall examine and evaluate the results of such acts; and acts.
(9) Except where otherwise defined by these Rules or by statute, "direction" or "under direction" means that the dentist ordering treatment does not have to be present in the same facility or location during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval, but that dentist shall be responsible for all consequences or results arising from such acts.

Authority G.S. 90-28; 90-29(a); 90-29.3; 90-29.4; 90-29.5; 90-30; 90-48; 90-224; 90-224.1; 90-226.

21 NCAC 16A .0107 BOARD CONTACT INFORMATION; SUBMISSION OF INFORMATION AND DOCUMENTS TO THE BOARD

(a) To contact or obtain information about the Board:

- (1) Mailing address: 2000 Perimeter Park Drive, Suite 160, Morrisville, North Carolina 27560.
(2) Website: www.ncdentalboard.org.
(3) Telephone number: (919) 678-8223.
(4) Fax number: (919) 678-8472.

(5) Email address: info@ncdentalboard.org.

(b) Unless otherwise stated, all forms required by the rules of this Chapter are available on the Board's website.

(c) For any rule in this Chapter requiring an applicant or licensee to request a testing agency, educational program, or other entity to send information or documents directly to the Board office, the Board accepts information and documents sent by the entity via secure electronic transmission, as well as documents sent in a sealed envelope directly from the entity to the Board office.

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

**SUBCHAPTER 16B - LICENSURE DENTISTS**

**SECTION .0300 - APPLICATION FOR LICENSURE**

**21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS**

(a) All applicants for dental licensure shall achieve a passing score of at least 80 percent on the Board's sterilization and jurisprudence examinations. Applicants may take a reexamination in accordance with Rule .0317 of this Section.

(b) All applicants for dental licensure shall achieve passing ~~scores~~ scores, as set by the testing agency, on the examination administered by the Joint Commission on National Dental Examinations and clinical examinations developed and administered by Board approved testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in Paragraphs (c) and (d) of this Rule.

(c) To qualify as an approved testing agency, the test-development or test-administration agency shall allow a representative of the Dental Board to serve on the agency's Board of Directors and the Examination Review Committee for the limited purpose of allowing Dental Board input in the development and administration of the examination. When Dental Board members offer to participate as examiners for examinations administered in North Carolina, the test-administration agency shall assign at least one of those Dental Board members to each examination administered in North Carolina.

(d) To qualify as an approved testing agency, the clinical examination developed or administered by a the testing agency shall:

- (1) include procedures performed on human subjects or an alternative method that simulates human subjects, including manikins, as part of the assessment of restorative clinical competencies;
- (2) include evaluations in clinical periodontics and at least three of the following subject matter areas:
  - (A) endodontics, clinical abilities testing;
  - (B) amalgam preparation and restoration;
  - (C) anterior composite preparation and restoration;
  - (D) posterior ceramic or composite preparation and restoration;
  - (E) prosthetics, written or clinical abilities testing;

- (F) oral diagnosis, written or clinical abilities testing; or
- (G) oral surgery, written or clinical abilities testing; and

- (3) provide the following:
  - (A) anonymity between applicants and examination graders;
  - (B) standardization and calibration of graders;
  - (C) a mechanism for post exam analysis;
  - (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged, or overall scoring to compensate for failures in individual subject areas;
  - (E) a minimum passing score set by the testing agency for each subject area tested;
  - (F) an annual review of the examination conducted by the testing agency;
  - (G) a task analysis performed by the testing agency at least once every seven years that surveys dentists nationwide to determine the content of the examination;
  - (H) a system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
  - (I) a system of quality assurance that does not permit a dental instructor to grade candidates at any institution at which the instructor is employed.

(e) The Board shall accept examination scores for five years following the date of the examinations. Each applicant shall request the applicable entity to send the applicant's scores to the Board office. Individuals who apply for licensure more than five years after the examination date shall re-take the examination.

(f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.

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

**SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS**

**SECTION .0300 - APPLICATION**

**21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS**

(a) All applicants for dental hygiene licensure shall achieve a passing ~~scores~~ score of at least 80 percent on the Board's sterilization and jurisprudence examinations. Reexamination shall be governed by Rule .0311 of this Section.

(b) All applicants for dental hygiene licensure shall achieve passing ~~scores~~ scores, as set by the testing agency, on the examination administered by the Joint Commission on National

Dental Examinations and clinical examinations developed and administered by Board approved testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in Paragraphs (c) and (d) of this Rule.

(c) To qualify as an approved testing agency, the test-development or test-administration agency shall allow a representative of the Dental Board to serve on the agency's Board of Directors and Examination Review Committee for the limited purpose of allowing Dental Board input in the development and administration of the examination. When Dental Board members offer to participate as examiners for examinations administered in North Carolina, the test-administration agency shall assign at least one of those Dental Board members to each examination administered in North Carolina.

(d) To qualify as an approved testing agency, the clinical examination developed or administered by a the testing agency shall:

- (1) include procedures performed on human subjects or an alternative method that simulates human subjects, including manikins, as part of the assessment of clinical competency;
- (2) include probing, supra- and subgingival scaling, and soft tissue management; and
- (3) provide the following:
  - (A) anonymity between applicants and examination graders;
  - (B) standardization and calibration of graders;
  - (C) a mechanism for post exam analysis;
  - (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged, or overall scoring to compensate for failures in individual subject areas;
  - (E) a minimum passing score set by the testing agency for each subject area tested;
  - (F) an annual review of the examination conducted by the testing agency;
  - (G) a task analysis performed by the testing agency at least once every seven years that surveys dentists nationwide to determine the content of the examination;
  - (H) a system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
  - (I) a system of quality assurance that does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is employed.

(e) The Board shall accept examination scores for five years following the date of the examination. Individuals who apply for licensure more than five years after the examination date shall re-take the examination. Each applicant shall request the applicable entity to send the applicant's scores to the Board office.

(f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.

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

**SUBCHAPTER 16N - RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES**

**SECTION .0200 – NOTICE OF RULEMAKING HEARINGS**

**21 NCAC 16N .0202 NOTICE OF MAILING LIST**

The Board maintains a mailing list of persons that have requested notice of rulemaking, and sends notices of rulemaking to persons on the mailing list by electronic mail. Any person or agency desiring to be placed on the mailing list for the Board's rulemaking notices may file submit a written request by email, fax, or first-class mail to in the Board's office. The letter of request shall provide the email address to which notices will be sent. ~~should state those particular subject areas within the authority of the Board concerning which notice is desired. The~~ If circumstances require that rulemaking notices be sent by first-class mail, the Board may require reasonable postage and stationery costs to be paid by those requesting such the notices.

Authority G.S. 90-48; 90-223(b); 150B-21.2(d). 150B-12(e).

**SECTION .0500 - ADMINISTRATIVE HEARING PROCEDURES**

**21 NCAC 16N .0501 RIGHT TO HEARING**

(a) When the Board acts, acts or proposes to act, ~~other than in rulemaking or declaratory ruling proceedings, act~~ in a manner that will affect the rights, duties, or privileges of a licensee or applicant for a license or permit, such person applicant, the licensee or applicant has a right to an administrative hearing. ~~When the Board proposes to act in such a manner, it shall give such person notice of his right to a hearing by mailing by certified mail to him at his last known address a notice of the proposed action and a notice of a right to a hearing. Notice of hearing may also be given by any method of service permitted in G.S. 150B-38(e), by a signed acceptance of service from such person, or by delivery to the person's attorney of record who accepts service on behalf of the person.~~

(b) Except in contested cases for which the Board serves a notice of hearing in accordance with G.S. 150B-3 and 150B-38, the Board shall give the affected person notice of the right to a hearing by mail to the affected person's last known address. If the affected person desires a hearing, they shall request a hearing within 30 days of the date of the Board's notice of right to a hearing. The request shall be in writing, and shall contain a clear and specific statement of request for a hearing. The request shall be sent to the Board's office by email, fax, or delivery to the Board's mailing address, as set out in 21 NCAC 16A .0107. Upon receipt of the affected person's request for a hearing, the Board shall issue a notice of hearing in accordance with G.S. 150B-38 and Rule .0504 of this Section.

(c) The right to an administrative hearing does not apply to rulemaking or declaratory ruling proceedings, to applicants for

reinstatement after revocation, or to applicants for license by comity or credentials pursuant to G.S. 90-36.

Authority G.S. 90-41.1; 150B-3; 150B-38. ~~150B-38(h).~~

**21 NCAC 16N .0502 REQUEST FOR HEARING**

(a) ~~Any individual~~ A licensee or applicant who believes his or her their rights, duties, or privileges have been affected by the Board's administrative action, but and who has not received a notice of a hearing or notice of a right to an administrative hearing, may file submit to the Board a request for hearing, a hearing within 30 days of the date of the action taken by the Board which is challenged.

(b) ~~The individual licensee or applicant shall submit a the request to the Board's office, office by email, fax, or delivery to the Board's mailing address, as set out in 21 NCAC 16A .0107. The request shall contain: containing the following information:~~

- (1) ~~Name~~ the name and address of the petitioner;
- (2) ~~A~~ a concise statement of the action taken by the Board which is challenged;
- (3) ~~A~~ a concise statement of the way in which petitioner has been aggrieved; and
- (4) ~~A~~ a clear and specific statement of request for a hearing.

Authority G.S. 150B-38.

**21 NCAC 16N .0503 GRANTING OR DENYING HEARING REQUEST**

(a) ~~The~~ Upon receipt of a request for a hearing submitted in accordance with Rule .0502 of this Section, the Board will decide whether to grant a request for a hearing, the request. Whenever the Board finds good cause exists to deny a request for a hearing, the Board may deny the request. For purposes of this Rule, good cause for denial of a hearing request exists when:

- (1) the petitioner has not demonstrated a right to an administrative hearing pursuant to Rule .0501 of this Section;
- (2) the request does not satisfy all the requirements set out in Rule .0502 of this Section; or
- (3) the Board determines that the request should be denied for some other reason in the interests of justice.

(b) The denial of a request for a hearing will be issued in writing immediately upon decision, and in no case later than 60 days after the submission of the request. Such The denial shall contain a statement of state the reasons leading the Board to deny the request.

(c) Approval of a request for a hearing will be signified by the Board issuing a notice of hearing in accordance with as required by G.S. 150B-38 and explained in Rule .0504 of this Section.

Authority G.S. 90-28; 150B-38.

**21 NCAC 16N .0504 NOTICE OF HEARING**

(a) ~~The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):~~

- (1) ~~The name, position, address and telephone number of a person at the office of the Board to contact for further information or discussion; and~~
- (2) ~~A statement explaining that the Respondent may be represented by counsel, testify, offer evidence, and cross examine adverse witnesses at the hearing.~~

(a) The Board shall give the party or parties in a contested case a notice of hearing by one of the following methods:

- (1) a signed acceptance of service from the party;
- (2) delivery to the party's attorney of record who accepts service on behalf of the party; or
- (3) any method of service permitted pursuant to G.S. 150B-38(c).

(b) If the Board determines that the public health, safety, or welfare requires such emergency action, it may issue an order summarily suspending a license pursuant to G.S. 150B-3. Upon service of the order, the The licensee to whom the order is directed shall immediately cease practicing in North Carolina. Carolina effective on the date of service of the order. The Board shall promptly give notice of hearing pursuant to G.S. 150B-3 and 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

Authority G.S. 90-41.1; 150B-3; 150B-38.

**SUBCHAPTER 16U – INVESTIGATIONS**

**SECTION .0100 - PROCEDURES**

**21 NCAC 16U .0104 COOPERATION WITH BOARD INQUIRY**

(a) A licensee shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes:

- (1) acknowledging and responding in a timely manner to all inquiries from the Board or its representatives;
- (2) claiming Board correspondence in a timely manner from the U. S. Postal Service or other delivery service, including correspondence by email;
- (3) being available in a timely manner for investigative interviews with Board representatives; and
- (4) providing accurate and complete information in response to all Board inquiries.

(b) For purposes of this Rule, an "inquiry" means any request from the Board or its representatives for information or documentation, including investigative subpoenas and interview requests. "Timely" means within the time specified by the Board for response to an inquiry or, if no time is specified, within five business days of receipt.

(c) A licensee shall notify the Board in writing within 10 business days of any change in the licensee's addresses or telephone numbers, and shall provide the Board with an email address through which the Board may communicate inquiries to the licensee.



Authority G.S. 90-27; 90-28; 90-41; 90-48.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rule cited as 21 NCAC 16H .0104.

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

Proposed Effective Date: July 1, 2024

Public Hearing:

Date: April 18, 2024

Time: 6:00 p.m.

Location: 2000 Perimeter Park Drive, #200, Morrisville, NC 27560

Reason for Proposed Action: The proposed amendment updates education and training requirements for dental assistants and eliminates a requirement related to coronal polishing.

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: May 14, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 16H - DENTAL ASSISTANTS

SECTION .0100 - CLASSIFICATION AND TRAINING

21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS

(a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and also shall meet one of the following criteria: complete:

- (1) completion of: a dental assisting program accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at coda.ada.org/find-a-program/search-dental-programs and is incorporated by reference, including subsequent amendments and editions;
(A) an ADA accredited dental assisting program; or
(B) one academic year or longer in an ADA accredited dental hygiene program;
(2) one complete school year or longer in a CODA-accredited dental hygiene program;
(3) a dental assistant program offered through a branch of the U.S. armed forces at the Medical Education & Training Campus that includes a clinical rotation providing dental assisting for live patients;
(2)(4) completion of the Certified Dental Assistant certification examination(s) examinations administered by the Dental Assisting National Board; Board ("DANB") with a passing score as set by DANB; or
(3)(5) completion of: the following:
(A) employment as a Dental Assistant I for two years of the preceding five, consisting of at least 3,000 hours total; and
(B) a 3-hour course in sterilization and infection control; and control, and a 3-hour course in dental office emergencies. The courses shall be offered by Board-approved course sponsors as set out in 21 NCAC 16I .0202.
(C) a 3-hour course in dental office emergencies.

(b) A Dental Assistant I who has completed the requirements of Parts (a)(3)(B) (C) Part (a)(5)(B) of this Rule but not completed the training employment hours required pursuant to Part (a)(3)(A)(a)(5)(A) may be trained by a licensed dentist and allowed to perform the functions of a Dental Assistant II, as specified in Rule .0203 of this Subchapter, under the direct control and supervision of a licensed dentist, dentist, except that a Dental Assistant I performing the functions of a Dental Assistant II pursuant to this Paragraph shall not perform the coronal polishing function set out in Rule .0203(a)(21) of this Subchapter.

(c) For purposes of this Rule, an unexpired CPR certification is one that is in effect and valid at the time of classification as a Dental Assistant II and remains so at all times while employed as a Dental Assistant II or while performing any of the permitted functions under Rule .0203 of this Subchapter.

(d) A ~~Dental Assistant~~ dental assistant shall not take radiographs before completing radiology training consistent with G.S. 90-29(c)(12).

Authority G.S. 90-29(c)(9).

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CHAPTER 18 – BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Electrical Contractors intends to amend the rule cited as 21 NCAC 18B .1101.

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

Proposed Effective Date: July 1, 2024

Public Hearing:

Date: May 1, 2024

Time: 8:30 a.m.

Location: 505 North Greenfield Parkway, Suite 100, Garner, NC 27529

Reason for Proposed Action: The Board proposes to amend 21 NCAC 18B .1101 to require new qualifiers to complete a free 4-hour Laws and Rules Class as part of the continuing education program. The Board, having observed that many disciplinary actions are the result of a failure of some new licensees to appreciate their responsibilities as a licensee, believes that requiring the completion of this class within the first 12 months of licensure is likely to reduce the number of disciplinary actions.

Comments may be submitted to: Tim Norman, 505 North Greenfield Parkway, Suite 100, Garner, NC 27529; phone (919) 733-9042; email tim.norman@ncbeec.org

Comment period ends: May 14, 2024

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL

SECTION .1100 - CONTINUING EDUCATION

21 NCAC 18B .1101 CONTINUING EDUCATION REQUIREMENTS: LISTED QUALIFIED INDIVIDUALS

(a) Upon becoming a qualified individual, all qualifiers shall complete a free, four-hour Laws and Rules Course conducted by Board staff within 12 months after becoming a qualified individual or 90 days prior to becoming a qualified individual. Completion of the Laws and Rules Course pursuant to this requirement, shall satisfy 4 of the required contact hours of continuing education for the initial renewal of the individual's qualification.

(a)(b) Every listed qualified individual, including listed qualified individuals pursuant to G.S. 87-50, shall complete continuing education for prior to each annual license period to renew the license on which the qualified individual is currently listed, for the next annual license period, except as follows:

- individuals becoming qualified by examination during the 12 month period immediately preceding the license renewal date;
qualified individuals unable to fulfill the required number of hours as the result of illness as certified in writing by the attending physician; or
persons presenting approved courses of continuing education.

(b)(c) The number of required contact hours for every listed qualified individual shall be determined by the classification of license on which the qualified individual is currently listed or is eligible to be listed as follows:

- qualified individuals currently listed on a license in the limited, intermediate, unlimited and special restricted single family dwelling classifications shall complete at least eight hours of approved continuing education for license renewal, and
qualified individuals currently listed on a license in the special restricted fire alarm/low voltage (SP-FA/LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications shall complete at least four hours of approved continuing education for license renewal.

(e)(d) The Board, pursuant to Rules .1102 and .1103 of the Section, approves courses. Because of differences in the electrical

contracting industry and individual needs of listed qualified individuals, each qualified individual must exercise judgment in selecting courses for which continuing education is claimed and in choosing only those courses that will advance the individual's knowledge.

~~(d)~~(e) Course sponsors may be colleges or universities, community colleges, trade associations, providers of self-study programs, employers, third party professional examination companies, private instructors and the like.

~~(e)~~(f) North Carolina listed qualified individuals residing within the state must obtain the required continuing education hours by taking a course provided by an approved sponsor.

~~(f)~~(g) North Carolina listed qualified individuals residing outside of North Carolina, including listed qualified individuals pursuant to G.S. 87-50, may obtain credit for courses offered in North Carolina. They may also obtain credit for courses offered in their state, province or country of residence provided the Board subsequently approves the courses taken, pursuant to Rule .1102(b) of this Section.

~~(g)~~(h) Effective for renewals on or after July 1, 2008, all persons seeking to renew qualification must demonstrate that a minimum of one-half the continuing education hours for each annual license period were obtained by in-person classroom or seminar attendance.

Authority G.S. 87-42; 87-44.1.

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**CHAPTER 50 – BOARD EXAMINERS OF PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors intends to adopt the rule cited as 21 NCAC 50 .0318 and amend the rule cited as 21 NCAC 50 .0301 and .0306*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://nclicensing.org>

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

**Public Hearing:**

**Date:** April 12, 2024

**Time:** 8:30 a.m.

**Location:** 1989 Eastwood Road, Wilmington NC 28403

**Reason for Proposed Action:** *The Board proposes to adopt new rule 21 NCAC 50 .0318 to define "license in good standing" for the purposes of implementing G.S. 87-21(b)(3) which states evidence that a license has been continuously maintained for a minimum of 10 years in good standing as a Class II plumbing license shall be accepted as experience for the Class II heating qualifications and that evidence that a license has been continuously maintained for a minimum of 10 years in good standing as a Class II heating license shall be accepted as experience for the Class II plumbing qualifications. This Board believes this language will assist and inform applicants as to the*

*interpretation of "license in good standing" and thereby streamline the application process in this context.*

*The Board proposes to amend 21 NCAC 50 .0301 to add technician language for both Class I and Class II for plumbing and heating group 1 and 3 licenses and also to clarify the experience required for obtaining a restricted plumbing license for applicants who hold a license from either the North Carolina Irrigation Contractor Licensing Board or the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The Board believes that existing technician categories in plumbing and heating groups 1 and 3 classifications should be available in both Class I and Class II as members of the licensed profession have indicated this will be useful in carrying out supervision responsibilities. The Board further believes the amendment to clarify the experience required for obtaining a restricted plumbing license for applicants who hold a license from either the North Carolina Irrigation Contractor Licensing Board or the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board will assist and inform applicants and thereby streamline the application process in this context.*

**Comments may be submitted to:** Dale Dawson, 1109 Dresser Court, Raleigh, NC 27609; phone (919) 875-3612; email [ddawson@nclicensing.org](mailto:ddawson@nclicensing.org)

**Comment period ends:** May 14, 2024

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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

**SECTION .0300 - EXAMINATIONS**

**21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION**

(a) In order to determine the qualifications of an applicant, the Board shall provide a written or computer-based examination in the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician Technician, Class I
- (16) Plumbing Technician, Class II
- ~~(16)~~(17) Heating Group No. 1 Technician Technician, Class I
- (18) Heating Group No. 1 Technician, Class II
- ~~(17)~~(19) Heating Group No. 2 Technician
- ~~(18)~~(20) Heating Group No. 3 Technician Technician, Class I
- (21) Heating Group No. 3 Technician, Class II
- ~~(19)~~(22) Fuel Piping Technician
- ~~(20)~~(23) Private Educational Institution Plumbing Technician
- ~~(21)~~(24) Private Educational Institution Heating Group 1 Technician
- ~~(22)~~(25) Private Educational Institution Heating Group 2 Technician
- ~~(23)~~(26) Private Educational Institution Heating Group 3 Technician
- ~~(24)~~(27) Residential Fire Sprinkler Design Contractor

(b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Fire Sprinkler Inspection Contractor license shall be required to pass both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a Fire Sprinkler Installation Contractor shall submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System Layout as the prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor shall pass the business and law part of the exam administered by the Board. Persons licensed based upon NICET certification shall maintain such certification as a condition of license renewal.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification shall pass the technical examination offered by the Board. The Board shall accept the results of NICET examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by NICET. Persons who obtain license as a Fire Sprinkler Inspection Technician based on NICET

certification shall maintain such certification as a condition of license renewal.

(e) Applicants for licensure as a Fire Sprinkler Inspection Contractor shall submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of the technical part of the Board-administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor shall also pass the business and law part of the examination administered by the Board. Contractors who obtain license by NICET certification shall maintain such certification thereafter as a condition of license renewal.

(f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a license based on maintenance experience, education, and job classification set forth in Rule .0306 and pass a test administered by the Board.

(g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor shall obtain a license based on experience set forth in Rule .0306 and shall pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

(h) Applicants for a license as a Plumbing, Heating, or Fuel Piping Technician shall obtain a license based on experience set forth in Rule .0306 of this Section and shall pass the Class I or the Class II technical and Board laws and rules parts of the Board-administered examination related to the category for which a technician license is sought.

(i) Applicants who hold an active Plumbing, Heating, or Fuel Piping Technician license obtained by examination may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category and class by meeting the experience requirement listed in Rule .0306 of this Section for the specific contractor license sought and passage of only the business portion of the examination.

(j) Applicants for a license as a Restricted Limited Plumbing Contractor shall obtain a license based on experience set forth in Rule .0306 of this Section and shall be required to pass both the business and law part and the technical parts of the Restricted Limited Plumbing Contractor examination.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active certification as an On-site Wastewater Contractor issued through the North Carolina On-Site Wastewater Contractors and Inspectors Certification board may take the examination, provided the applicant demonstrates that he or she has attended a minimum of 8 semester hours of education in a plumbing program through a North Carolina Community College program or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

Authority G.S. 87-18; 87-21(a); 87-21(b).

**21 NCAC 50 .0306      APPLICATIONS: ISSUANCE OF LICENSE**

(a) All applicants for licensure or examination shall file an application setting forth the information required in G.S. 87-21 and the rules of this Chapter on a form available on the Board website or at the Board office.

(b) Applicants for a plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours of experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, Standard for the Inspection Testing as Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference including all subsequent editions and amendments to the document as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization;
- (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, which is hereby incorporated by reference including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;
- (3) 4000 hours of experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or
- (4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in Rule .0515 of this Chapter. Applicants who have held Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and shall document attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler Installation Contractor license.

(i) Applicants for a license as a plumbing or heating Class I technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a plumbing or heating Class II technician shall present evidence adequate to establish 2500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class I technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class II technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirements for the category of license sought as is set forth in this Rule.

Authority G.S. 87-18; 87-21(b).

**21 NCAC 50.0318 LICENSE IN GOOD STANDING**

A license has been maintained in good standing for the purposes of G.S. 87-21(b)(3) if the license:

- (1) has remained continuously active for 10 years as of the date of the application request;
- (2) is current as to all fees payable to the Board as of the date of the application request; and
- (3) has not been the subject of a disciplinary order that imposed a sanction that included supervised probation, suspension, revocation or restoration of a revoked license during the 10-year period preceding the date of the application request for a Class II plumbing or heating license.

Authority G.S. 87-18; 87-21(b)(3).

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**CHAPTER 57 - APPRAISAL BOARD**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Appraisal Board intends to amend the rules cited as 21 NCAC 57A .0204, .0206, .0301, .0303, .0501; 57B .0302; 57D .0101, .0202, .0302, and repeal the rule cited as 21 NCAC 57A .0406.*

*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):** [www.ncappraisalboard.org](http://www.ncappraisalboard.org)

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

**Public Hearing:**

**Date:** April 9, 2024

**Time:** 10:00 a.m.

**Location:** Hilton Garden Inn Charlotte Airport, 2400 Cascade Pointe Blvd., Charlotte, NC

**Reason for Proposed Action:**

*21 NCAC 57A .0204, This change includes some technical amendments and incorporates the new requirements within the AQB*

*Real Property Appraiser Qualification Criteria that goes into effect on January 1, 2026, regarding the USPAP course name change and the addition of a course on Valuation Bias and Fair Housing Laws. It also clarifies the timeframe of current continuing education requirements and better explains the out of state affidavit option for continuing education.*

*21 NCAC 57A .0206, This change incorporates the new requirements within the AQB Real Property Appraiser Qualification Criteria that goes into effect on January 1, 2026, regarding the USPAP course name change and the addition of a course on Valuation Bias and Fair Housing Laws.*

*21 NCAC 57A .0301, This change removes the limitation on the number of attempts to take the exam from five per application and changes the pass date from one year to 24 months.*

*21 NCAC 57A .0303, This change extends the exam approval from one year to 24 months in accordance with the AQB Criteria.*

*21 NCAC 57A .0501, This change removes the cost of the USPAP books as it is not a fee determined by the Board and is no longer accurate.*

*21 NCAC 57B .0302, This change removes the reference to Guide Note 1 as it no longer outlines all the course content requirements within the AQB Real Property Appraiser Qualification Criteria that goes into effect on January 1, 2026.*

*21 NCAC 57D .0101, This change incorporates the current AMC registration application questions needed in accordance with the AMC Final Rule.*

*21 NCAC 57D .0202, This change incorporates some technical changes, incorporates the current AMC renewal application questions needed in accordance with the AMC Final Rule, clarifies the year as being a calendar year.*

*21 NCAC 57D .0302, This change amends the rule name to state Change in Registration & Reporting Requirements. It lists all actions that need be reported to the Board such as a change adding name, federal ID, bond, ownership, organizational structure, registered agent, and events that may cause the AMC to no longer be in compliance with rules and laws. It adds requirements for reporting changes to the designated compliance person and owners over 10% in advance. It clarifies days as business days.*

*21 NCAC 57A .0406, This rule is being repealed.*

**Comments may be submitted to:** Donald T. Rodgers, Executive Director, NC Appraisal Board 5830 Six Forks Road, Raleigh, NC 27609; phone (919) 870-4854; email [don@ncab.org](mailto:don@ncab.org)

**Comment period ends:** May 14, 2024

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 57A – REGISTRATION, LICENSING, CERTIFICATION AND PRACTICE**

**SECTION .0200 – TRAINEE REGISTRATION AND APPRAISER LICENSING AND CERTIFICATION**

**21 NCAC 57A .0204 CONTINUING EDUCATION**

(a) All registered trainees, real estate appraiser licensees, and certificate holders shall, upon the renewal of their registration, license, or certificate in every odd-numbered year, have obtained continuing education, as required by this Rule. Trainees and appraisers who initially registered with the Board after January 1 of an ~~odd-numbered~~ odd-numbered year are not required to obtain continuing education for renewal of their registration in that ~~odd-numbered~~ odd-numbered year.

(b) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall complete 28 hours of continuing education before June 1 of every ~~odd-numbered~~ odd-numbered year. Specific topics required as part of the 28 hours of continuing education are outlined in Paragraph (d) of this Rule. Except as provided in Paragraphs (g) and (h) of this Rule, such education shall have been obtained by taking courses approved by the Board for continuing education credit, at schools approved by the Board to offer such courses, as set forth in 21 NCAC 57B .0603. Such education shall relate to real estate appraisers maintaining and increasing their skill, knowledge, and competency in real property appraising. There is no exemption from the continuing education requirement for trainees or appraisers whose status has been upgraded to the level of licensed residential, certified residential, or certified general appraiser, since the issuance or most recent renewal of their registration, license, or certificate. Trainees, licensees, and certificate holders shall not take the same continuing education course more than once during the two-year continuing education cycle.

(c) Each appraisal continuing education course shall include a minimum of two classroom hours of instruction on real estate appraisal or related topics, as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.

(d) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall, as part of the 28 hours of continuing education required in Paragraph (b) of this Rule, complete the seven hour National USPAP ~~update course~~ Continuing Education course, as required by the Appraiser Qualifications Board of the Appraisal Foundation, between October 1 of an odd-numbered year and June 1 of an even numbered year, as required by the Appraiser Qualifications Board of the Appraisal Foundation. year. Beginning June 1, 2025, each trainee, licensee, and certificate holder shall successfully complete a course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations outline as set forth in the Real Property Appraiser Qualification Criteria, every continuing education cycle. The first time a trainee, licensee, or certificate holder completes the continuing education requirements of the Valuation Bias and Fair Housing Laws and Regulations requirement, the course length must be at least seven hours. If an appraiser successfully completes the seven hour (plus one hour exam) course as part of their qualifying education, they have met this requirement. Each continuing education cycle thereafter, the course length shall be at least four hours.

(e) A trainee, licensee, or certificate holder who completes approved continuing education courses in excess of the requirement shall not carry over into the subsequent years any continuing education credit.

(f) Course sponsors shall provide a certificate of course completion to each trainee, licensee, and certificate holder who completes a course, as set forth in 21 NCAC 57B .0603. In addition, course sponsors shall send to the Board a roster of all who completed the course. This roster shall be sent within 15 days of completion of the course. In order to renew a registration, license, or certificate in a timely manner, the Board shall receive proof of satisfaction of the continuing education requirement prior to processing a registration, license, or certificate renewal application. Proof of satisfaction shall be made by receipt of a roster from a school or course sponsor showing the courses completed by the ~~applicant or by submission of an original certificate of course completion.~~ applicant. If proof of having satisfied the continuing education requirement is not provided, the registration, license, or certificate shall expire and the trainee, licensee, or certificate holder shall be subject to the provisions of Rules .0203(e) and .0206 of this Section.

(g) A current or former trainee, licensee, or certificate holder may request that the Board grant continuing education credit for a course that has been completed but is not approved by the Board, or for appraisal education activity equivalent to a Board approved course, by making such request and submitting a non-refundable fee of fifty dollars (\$50.00) as set out in G.S. 93E-1-8(d) for each course or type of appraisal education activity to be evaluated. Continuing education credit for a non-approved course shall be granted only if the trainee, licensee, or certificate holder provides proof of course completion and the Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with regard to subject matter, course length, instructor qualifications, and student attendance, as set forth in 21 NCAC 57B .0603. Appraisal education activities for which credit may be awarded include teaching appraisal courses, authorship of appraisal textbooks, and development of instructional materials

on appraisal subjects. Up to 14 hours of continuing education credit may be granted in each continuing education cycle for participation in appraisal education activities. Trainees, licensed or certified appraisers who have taught an appraisal course approved by the Board for continuing education credit are deemed to have taken an equivalent course and are not subject to the fee prescribed in G.S. 93E-1-8(d), provided they submit verification of having taught the course(s). A trainee, licensee, or certificate holder who teaches a Board approved continuing education course shall not receive continuing education credit for the same course more than once every two years, regardless of how often he or she teaches the course. Requests for equivalent approval for continuing education credit shall be received before June 15 of an odd-numbered year to be credited towards the continuing education requirement for that odd-numbered year.

(h) A trainee, licensee, or certificate holder may receive continuing education credit by taking any of the Board approved precertification courses, other than Basic Appraisal Principles and Basic Appraisal Procedures, or their approved equivalents. Trainees, licensees, and certificate holders who wish to use a precertification course for continuing education credit shall comply with the provisions of 21 NCAC 57B .0604.

(i) A licensee or certificate holder who resides in another state, and is currently credentialed in another state, may satisfy the continuing education requirements by submitting an affidavit prior to renewal which lists the course provider, title, hours, and date of completion of all continuing education completed within the current continuing education cycle. The Board will audit no less than ten percent of licensees who renew with an affidavit. A licensee or certificate holder selected for a continuing education audit shall make the certificates available to the Board upon request. A licensee or certificate holder who became licensed in North Carolina by licensure or certification with another state and now resides in North Carolina may renew by affidavit for his or her first renewal as a resident of North Carolina only if the appraiser moved to North Carolina on or after January 1 of an odd-numbered year. If an appraiser was a resident of this state before January 1 of an odd-numbered year, the appraiser shall comply with the requirements of this section regardless of how the license or certificate was obtained.

(j) A trainee, licensee, or certificate holder who returns from active military duty on or after February 1 of an odd-numbered year may renew his or her registration, license, or certificate in that odd-numbered year even if the required continuing education is not completed before June 1 of that year. ~~All~~ When a trainee, licensee, or certificate holder returns from active duty, all required continuing education shall be completed ~~within 180 days of when the trainee, licensee, or certificate holder returns from active duty.~~ pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. The Board shall immediately place any licensee or certificate holder enrolled in the Appraisal Subcommittee's National Registry in an inactive status and may revoke the registration, license, or certificate in accordance with 93E-1-12 if the required continuing education is not completed ~~within 180 days.~~ pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. This Paragraph applies to an individual who is serving in the armed forces of the

United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

Authority G.S. 93B-15; 93E-1-7(a); 93E-1-10.

**21 NCAC 57A .0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE**

(a) Expired registrations, licenses, and certificates may be reinstated within 12 months after expiration upon payment to the Board of the renewal and late filing fees as set out in G.S. 93E-1-7, and proof of having obtained the continuing education that would have been required had the registration, license, or certificate been ~~renewed.~~ renewed, including the most recent seven hour National USPAP Continuing Education course and the required number of hours of a course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations outline as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.

(b) If a registration, license, or certificate has been expired for more than 12 months, but less than five years, an applicant may apply for reinstatement. In order to be considered for reinstatement, the applicant shall pay the filing fee as set out in G.S. 93E-1-7 and include in the application proof that the applicant has obtained the continuing education that would have been required had the registration, license, or certificate been continuously renewed, which shall include the most recent edition of the seven hour National USPAP ~~update~~ Continuing Education course and the required number of hours of a course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations outline, as required by the ~~Appraiser Qualifications Board of the Appraisal Foundation.~~ Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. In addition, the Board shall consider whether the applicant for reinstatement has any prior or current disciplinary actions, and shall examine the applicant's fitness for registration, licensure, or certification before granting the request for reinstatement. A completed application for reinstatement shall be received by June 1 of the fifth year after the registration, license, or certificate expired or it shall not be accepted.

(c) An application for reinstatement shall not be granted if the registration, license, or certificate has been expired for more than five years.

(d) Reinstatement is effective on the date it is issued by the Board. It is not retroactive.

(e) A trainee or appraiser whose registration, license, or certification has expired and who is returning from active military duty may renew his or her registration, license, or certificate when the trainee or appraiser returns from active duty without payment of a late filing fee as long as the trainee or appraiser renews the registration, license, or certificate ~~within 180 days of when the trainee or appraiser returns from active duty.~~ the timeframe outlined in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. This Rule applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.



Authority G.S. 93E-1-6(b); 93E-1-7; 93E-1-10.

SECTION .0300 – APPRAISER EXAMINATIONS

21 NCAC 57A .0301 TIME AND PLACE

(a) Applicants who have completed the education and experience requirements for licensure or certification as set forth in G.S. 93E-1-6 shall be issued an examination approval form by the Board. The examination approval form is valid for ~~five attempts at the examination or for one year~~ 24 months from date of ~~issuance, whichever comes first.~~ issuance.  
(b) As set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, examination results are valid for 24 months from the date the examination is completed.

Authority G.S. 93E-1-6(c); 93E-1-10.

21 NCAC 57A .0303 RE-EXAMINATION

(a) Applicants for an appraiser license or certificate who fail to pass or appear for any examination for which the applicant has been scheduled by the Board-approved private testing service, may schedule a subsequent examination and shall pay the prescribed examination testing fees to the Board-approved private testing service.  
(b) ~~Applicants may take the examination no more than five times per application.~~ If an applicant fails the examination, the applicant ~~must~~ shall wait a minimum of 30 days before retaking the examination. If the applicant does not pass the examination ~~by the fifth attempt at the examination or~~ within one year of 24 months from the date of issuance of the examination approval form, the application shall be cancelled.

Authority G.S. 93E-1-6; 93E-1-10.

SECTION .0400 – GENERAL APPRAISAL PRACTICE

21 NCAC 57A .0406 BUSINESS PRACTICES

Authority G.S. 93E-1-3(b); 93E-1-10.

SECTION .0500 – STANDARDS OF APPRAISAL PRACTICE

21 NCAC 57A .0501 APPRAISAL STANDARDS

(a) Every registered trainee, licensed and certified real estate appraiser shall comply with the following provisions of the "Uniform Standards of Professional Appraisal Practice" (USPAP) promulgated by the Appraisal Standards Board of the Appraisal Foundation, all of which are incorporated by reference including subsequent amendments and editions:  
(1) Definitions;  
(2) Preamble;  
(3) Ethics Rule;  
(4) Record Keeping Rule;  
(5) Competency Rule;  
(6) Scope of Work Rule;  
(7) Jurisdictional Exception Rule; and  
(8) Standards Rules 1, 2, 3, and 4.

(b) A copy of USPAP may be obtained from the Appraisal Foundation at <https://www.appraisalfoundation.org>. The cost for a copy of USPAP ~~is seventy-five dollars (\$75.00).~~ shall be no more than the fee set by the Appraisal Foundation.

Authority G.S. 93E-1-10.

SUBCHAPTER 57B - REAL ESTATE APPRAISAL EDUCATION

SECTION .0300 – COURSE STANDARDS FOR PRELICENSING AND PRECERTIFICATION EDUCATION

21 NCAC 57B .0302 COURSE CONTENT

(a) All courses shall consist of instruction in the subject areas outlined in the ~~Appraiser Qualification Board's Guide Note 1.~~ Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. ~~Guide Note 1~~ The Real Property Appraiser Qualification Criteria may be accessed at the Appraisal Foundation website at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).  
(b) Partial credit shall be awarded when only part of the course covers the subject areas outlined in ~~Appraiser Qualification Board's Guide Note 1.~~ the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.  
(c) On or before the first class meeting day of the Basic Appraisal Principles course, the instructor shall give to each student a handout prepared by the Board regarding the trainee registration process and the process to upgrade to a licensed or certified appraiser. The student handout may be accessed on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org).

Authority G.S. 93E-1-6; 93E-1-8(a); 93E-1-10.

SUBCHAPTER 57D – APPRAISAL MANAGEMENT COMPANIES

SECTION .0100 – APPLICATION FOR APPRAISAL MANAGEMENT REGISTRATION

21 NCAC 57D .0101 FORM

An appraisal management company that wishes to file an application for an appraisal management company certificate of registration may obtain the required form upon request to the Board or on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org). The appraisal management company shall submit an application that includes the following information:  
(1) the legal name of the applicant;  
(2) the name under which the applicant will do business in North Carolina;  
(3) the type of business entity;  
(4) the address of its principal office;  
(5) the applicant's NC Secretary of State Identification Number if required to be registered with the Office of the NC Secretary of State;

- (6) a completed application for approval of the compliance manager;
- (7) any past criminal conviction of and any pending criminal charge against the compliance manager and any person or entity that owns over 10 percent ~~or more~~ of the appraisal management company;
- (8) any past revocation, ~~suspension~~, surrender in lieu of revocation, cancellation, refusal, or denial of an appraisal license of any person or entity that owns any part, directly or indirectly, of the appraisal management company;
- (9) any disciplinary action taken against the applicant, including the effective date of the disciplinary action and whether the applicant has complied;
- (10) other States where the applicant is registered to operate, if applicable;
- (11) applicant's employer identification number (EIN);
- (12) if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement or, if no written agreement exists, a written description of the rights and duties of the several partners;
- (13) if a business entity other than a corporation, limited liability company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents;
- (14) if a foreign business entity, a certificate of authority to transact business in North Carolina and an executed consent to service of process and pleadings; ~~and~~
- (15) a certification that the applicant has obtained a surety bond as required by ~~G.S. 93E-2-4(g)~~. G.S. 93E-2-4(g);
- (16) the name, address, and contact information for any individual or business entity that directly or indirectly owns over 10 percent of the appraisal management company; and
- (17) the annual size of the appraisal panel in this state and nationwide of the appraisal management company for the previous calendar year.

renewal fee shall be two thousand dollars (~~\$2000~~). (\$2,000). The renewal fee is not refundable on or after July 1.

- (c) The renewal form shall include the following:
  - (1) The appraisal management company's name and registration number;
  - (2) the contact person for renewal;
  - (3) the updated address for the company, service of process agent, direct and indirect owners over 10 percent, and compliance manager, if applicable;
  - (4) whether the company owner(s) or compliance manager have had an appraiser credential refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state;
  - (5) a copy of the surety bond that expires no sooner than June 30<sup>th</sup> of the year following renewal;
  - (6) the signature of the applicant; and
  - (7) the operation type, total number of appraisers on the panel in North Carolina for the previous calendar year, the total number of appraisers on the panel nationwide for the previous calendar year, and the number of appraisers on the panel who performed one or more appraisals in connection with a covered transaction in North Carolina for the previous calendar year.

(d) In addition to the renewal fee, an appraisal management company shall submit with its renewal the annual appraisal management company registry fee required by the Appraisal Subcommittee pursuant to 12 C.F.R. 1102.402. The fee shall then be transmitted by the Board to the Appraisal Subcommittee.

(e) Any company who acts or holds itself out as a registered appraisal management company while its appraisal management company registration is expired shall be subject to disciplinary action and penalties in G.S. 93E-2-8 and G.S. 93E-2-10.

Authority G.S. 93E-2-3; 93E-2-4; 93E-2-6; 93E-2-8; 93E-2-10.

**SECTION .0300 – APPRAISAL MANAGEMENT COMPANY PROCEDURES**

**21 NCAC 57D .0302 CHANGE OF NAME OR CONTACT INFORMATION IN REGISTRATION & REPORTING REQUIREMENTS**

(a) Appraisal management companies shall notify the Board in writing of each change of name, trade name, federal identification number, organizational status, ownership structure, compliance manager, surety bond, registered agent, business address, telephone number, or email address within 10 business days of said change. The address shall be sufficiently descriptive to enable the Board to electronically correspond with and physically locate the appraisal management company.

(b) If an appraisal management company intends to change its designated compliance manager or direct or indirect owner, it must notify the Board at least 10 business days before the effective date of the intended change and submit an application for approval of the designated compliance manager or any new direct or indirect owner who will own more than 10 percent of the appraisal management company. The application shall include a criminal records check pursuant to G.S. 93E-2-11.

Authority G.S. 93E-2-4.

**SECTION .0200 – APPRAISAL MANAGEMENT COMPANY REGISTRATION**

**21 NCAC 57D .0202 REGISTRATION RENEWAL**

(a) All registrations shall expire on June 30 of each year, unless renewed during the renewal period. The renewal period shall be from May 1 through June 30 of each year.

(b) A holder of an appraisal management company registration applying for renewal of registration shall apply in writing upon the form provided by the Board or log into the licensee login section on the Board's website and shall pay the renewal fee. The

(c) If the appraisal management company has an unexpected change to its designated compliance manager or direct or indirect owner and is unable to provide at least 10 business days' notice of the change, the company shall have 10 business days from the unexpected change to notify the Board. An application shall be submitted to the Board, which shall include a criminal records check pursuant to G.S. 93E-2-11, within 15 business days of when an interim designated compliance manager, a new designated compliance manager, or any new direct or indirect owner that owns more than 10 percent of the appraisal management company as a result of the unexpected change is appointed, hired, or otherwise determined.

(d) Appraisal management companies shall notify the Board in writing within 10 business days of any event that may cause the applicant or registration to be disciplined in accordance with G.S. 93E-2-8(a).

Authority G.S. 93E-2-3; 93E-2-9.

**TITLE 25 – OFFICE OF STATE HUMAN RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01C .0405.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: July 1, 2024

**Public Hearing:**

Date: April 1, 2024

Time: 9:00-10:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=m172aa0f8bbb06b3f507729ae698d9c5f> Meeting number (access code): 2426 058 3015; Passcode: WKrPPTv322

**Reason for Proposed Action:** *These revisions update Rule .0405 to match the revisions to G.S. 126-6.3 in the 2023 Appropriations Act. Subsection (a) of the Rule has provided, and would continue to provide, that temporary appointments shall not exceed 11 consecutive months, subject to exceptions. The 2023 Appropriations Act added that 11-month limit to statute. The limit now appears in G.S. 126-6.3(a1). The Appropriations Act also added extensive detail to the statute - particularly about agency responsibilities, what must be shown for an exception from the statute, Temporary Solutions billing, and reporting. OSHR's Temporary Solutions Program staff are executing an implementation plan for the statutory changes.*

**Comments may be submitted to:** Denise Holton Mazza, 116 West Jones Street, Raleigh, NC 27603; phone (984) 236-0823; email [denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)

Comment period ends: May 14, 2024

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 01 - OFFICE OF STATE HUMAN RESOURCES**

**SUBCHAPTER 01C – PERSONNEL ADMINISTRATION**

**SECTION .0400 - APPOINTMENT**

**25 NCAC 01C .0405 TEMPORARY APPOINTMENT**

(a) A temporary appointment is an appointment to fill a workforce need for a limited period of time. Temporary employees ~~may~~ shall not be used to permanently expand the workforce beyond authorized levels. Temporary appointments shall not exceed 11 consecutive months, subject to the following exemptions:

- (1) Full-time students, defined as those undergraduate students taking at least 12 credit hours or graduate students taking at least 9 credit hours;
- (2) Retired employees, defined as those individuals drawing a retirement income or Social Security benefits and ~~having~~ who have signed a statement that they are not available for, nor seeking, permanent employment;
- (3) Inmates that are on a work-release program;
- (4) Interns, defined as those students who, regardless of the number of credit hours enrolled, work to gain occupational experience for a period of ~~time not to exceed three months~~ at least one academic semester; and
- (5) Externs, defined as those students who, regardless of the number of credit hours enrolled, are employed as part of a written agreement between the State and an academic

institution through which the student is paid and earns course ~~credit~~, credit, and

(6) Exceptions that were granted under G.S. 126-6.3(a3)(3).

(b) Employees with a temporary appointment shall not earn or accrue leave or receive total State service credit, retirement credit, severance pay, or priority reemployment consideration.

(c) This Rule applies to all temporary employees employed by the State.

(d) The calculation of consecutive months in Paragraph (a) of this Rule shall restart only after a separation of at least 31 consecutive calendar days after the last day that person worked for the State in a temporary appointment. After a separation of this length, and only after such a separation, an individual who was employed for 11 consecutive months by temporary appointment shall be eligible for a new or reinstated temporary appointment.

Authority G.S. 126-4(5); 126-4(6); 126-4(7a); 126-4(19).

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to adopt the rules cited as 25 NCAC 01E .1901-.1910.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

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

**Public Hearing:**

**Date:** April 1, 2024

**Time:** 10:00-11:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=mb24fc95744d68958e6f8220fbbb53b72> Meeting number (access code): 2423 144 9550 Meeting password: 9RduhXe7BX6

**Reason for Proposed Action:** *The proposed rules are required to comply with recent legislation that requires the State Human Resources Commission (SHRC) to adopt rules regarding paid parental leave (PPL) for state agency employees. The proposed rules implement the provisions of G.S. 126-8.6 and G.S. 126-5(c19), as well as provide additional interpretation and clarifications where needed. These statutes were enacted by Part V of Session Law 2023-14, then amended by Session Law 2023-65 (Part XII-A) and Session Law 2023-134 (Section 7.83).*

*The statute requires that the SHRC “shall adopt rules and policies to provide” that certain State employees may take PPL under certain conditions. G.S. 126-8.6(b)(c). The proposed rules meet these statutory requirements, which are of two types. The first type of statutory requirement specifies substance that must appear in the SHRC rules. For example, by law, the rules must “provide” that the PPL for full-time eligible State employees will be “[u]p to eight weeks of paid leave after giving birth to a child” and “[u]p to four weeks of paid leave after any other qualifying event.” G.S. 126-8.6(b). The second type of statutory requirement specifies that SHRC rules must address a topic, but*

*gives the SHRC discretion about what the rules may say. For example, the statute states that the SHRC “shall adopt rules and policies providing for a period of minimum service before an employee becomes eligible for parental leave,” but the statute does not specify what the number must be for this period. G.S. 126-8.6(c1).*

*A copy of the fiscal note can be obtained from the Office of State Human Resources, which staffs the SHRC, or can be obtained from the OSHR website.*

**Comments may be submitted to:** Blake Thomas, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0822; email [blake.thomas@nc.gov](mailto:blake.thomas@nc.gov)

**Comment period ends:** May 14, 2024

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 01 - OFFICE OF STATE HUMAN RESOURCES**

**SUBCHAPTER 01E - EMPLOYEE BENEFITS**

**SECTION .1900 – PAID PARENTAL LEAVE**

**25 NCAC 01E .1901      DEFINITIONS**

For the purposes of this Section, the following definitions shall apply:

- (1) "Agency" means any State agency, department, institution, office, board, or commission, including institutions and offices of the University of North Carolina, but excluding the legislative branch, the judicial branch,

community college institutions, and public schools.

- (2) "Child" means a child as defined at G.S. 126-8.6(a)(1).
- (3) "Parent" means:
  - (a) the mother or father of a child through birth or legal adoption; or
  - (b) an individual who cares for a child through foster or other legal placement under the direction of a government authority.
- (4) "Qualifying event" means when an employee becomes a parent to a child.

*Authority G.S. 126-5(c19); 126-8.6.*

**25 NCAC 01E .1902 RELATIONSHIP TO OTHER RULES AND POLICIES**

- (a) This Section states the terms and conditions only for paid parental leave that is provided under G.S. 126-8.6 by an agency, as defined in Rule .1901 of this Section.
- (b) The paid parental leave provided under this Section is in addition to any other leave authorized by state or federal law.

*Authority G.S. 126-8.6.*

**25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE**

- (a) This Section applies to all agency employees subject to G.S. 126-8.6, whether or not those employees are exempt from other sections of the State Human Resources Act.
- (b) Employees may receive paid parental leave under this Section only if they are in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for paid parental leave under this Section.
- (c) An agency shall allow an employee to take paid parental leave under this Section only if, at the time of the qualifying event, the employee meets each of the following conditions.
  - (1) For the immediate 12 preceding months, the employee has been employed without a break in service as defined by 25 NCAC 01D .0114 in a permanent, time-limited, or probationary appointment by:
    - (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
    - (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or
    - (C) community college institutions of the State of North Carolina, aggregating employment at any of these employers.
  - (2) The employee has been in pay status with:
    - (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;

(B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or

(C) community college institutions of the State of North Carolina, for at least 1,040 hours, aggregating employment at any of these employers, during the previous 12-month period.

(d) This Section applies to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023.

*Authority G.S. 126-8.6.*

**25 NCAC 01E .1904 LEAVE AVAILABLE TO FULL-TIME EMPLOYEES**

(a) Full-time employees eligible for paid parental leave under this Section may take, in their discretion, up to the following amounts of leave:

- (1) For a parent who gives birth to a child, eight total weeks of paid parental leave, made up of:
  - (A) Four weeks for physical and mental recuperation, and
  - (B) Four additional weeks for bonding with the child.
- (2) For any other qualifying event, four weeks of paid parental leave for bonding with the child.

(b) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

*Authority G.S. 126-8.6.*

**25 NCAC 01E .1905 LEAVE AVAILABLE TO PART-TIME EMPLOYEES**

(a) Part-time employees (regardless whether they work half-time or more) shall receive paid parental leave under this Section if they meet all other requirements for eligibility.

(b) Part-time employees eligible for paid parental leave under this Section may take, in their discretion, a prorated amount of leave based on the hours worked in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position at that agency.

(c) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

*Authority G.S. 126-8.6.*

**25 NCAC 01E .1906 USE OF OTHER LEAVE**

The paid parental leave provided under this Section shall not be counted against or deducted from the employee's sick, vacation, bonus, or other accrued leave. For agency employees, the paid parental leave provided under this Section is in addition to any other leave authorized by law, rule, or policy, including but not limited to leave without pay provided under 25 NCAC 01E .1110, voluntary shared leave under G.S. 126-8.3 and 25 NCAC 01E .1300, or family and medical leave. However, when an employee

becomes eligible, as described in 25 NCAC 01E .1400, for family and medical leave, the paid parental leave under this Section shall run concurrently with the family and medical leave.

Authority G.S. 126-8.6.

**25 NCAC 01E .1907 REQUESTING USE OF PAID PARENTAL LEAVE**

(a) Eligible employees may take paid parental leave in one continuous period or may take intermittent use of paid parental leave. Requests for intermittent use of paid parental leave are subject to the agency's approval as stated in Paragraph (d) of this Rule.

(b) Whenever possible, eligible employees shall notify their employing agencies at least 10 weeks in advance of their intention to use paid parental leave. This requirement is so that agencies can secure backfill coverage.

(c) The agency shall not deny, delay, or require intermittent use of paid parental leave to employees who gave birth and seek to use paid parental leave in one continuous period.

(d) For all other employees, the agency may delay providing paid parental leave or may provide paid parental leave intermittently if it determines that providing the leave will cause a public safety concern, meaning a significant impairment to the agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians. For example, the extension of paid parental leave to an eligible employee who did not give birth may constitute a public safety concern if:

- (1) Providing the paid parental leave would result in agency staffing levels below what is required by federal or state law to maintain operational safety; or
- (2) Providing the paid parental leave may impact the health or safety of staff, patients, residents, offenders, or other individuals the agency is required by law to protect; and
- (3) The agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.

(e) If the agency determines that it must delay paid parental leave, or make paid parental leave intermittent, because of a public safety concern under Paragraph (d) of this Rule, the agency shall provide paid parental leave as soon as practical following the qualifying event.

Authority G.S. 126-8.6.

**25 NCAC 01E .1908 LEAVE ADMINISTRATION**

(a) Paid parental leave under this Section may be used only once by an eligible employee within a rolling 12-month period.

(b) The birth or other qualifying event of twins, triplets, or other multiple children shall produce only one award of paid parental leave under this Section.

(c) Both parents may receive paid parental leave under this Section if they are both eligible agency employees. Both parents may take their leave simultaneously or at different times, subject to Rule .1907 of this Section.

(d) Employees shall submit documentation that they will use paid parental leave for a qualifying event under this Section. An

agency may take appropriate action if an employee fraudulently requested or used paid parental leave. This action may include revoking approval and disciplinary action up to and including dismissal, pursuant to 25 NCAC 01J .0600.

(e) Employees shall not be paid for the leave provided by this Section upon separation from the employer. The leave provided by this Section shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.

(f) Paid parental leave provided under this Section shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of this leave on the employee's time record.

Authority G.S. 126-4(6); 126-8.6; 126-35(a).

**25 NCAC 01E .1909 LEAVE ADMINISTRATION FOR ADOPTIONS OR FOSTER CARE PLACEMENTS**

(a) When a child is given up for adoption or placed in foster care, from that point forward:

- (1) The birth parent shall continue to be eligible for the paid parental leave listed in Rule .1904(a)(1)(A) of this Section for physical and mental recuperation; and
- (2) Each parent shall not be eligible for further use of the paid parental leave listed in Rule .1904(a)(1)(B) of this Section for bonding with the child.

(b) When a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, it does not produce paid parental leave under this Section. However, agencies are encouraged to be flexible and allow adequate time for bereavement to the persons who would have become parents, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.

Authority G.S. 126-8.6.

**25 NCAC 01E .1910 MISCARRIAGE OR STILLBIRTH**

(a) When a fetus dies before 12 weeks of the pregnancy were complete, it is not a qualifying event for paid parental leave under this Section.

(b) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is complete:

- (1) If the birth parent meets the eligibility requirements in Rule .1903 of this Section, the birth parent may receive the paid parental leave listed in Rule .1904(a)(1)(A) of this Section. This leave is four weeks for a full-time eligible state employee.
- (2) The parents shall not receive the paid parental leave for bonding with the child that is listed in Rule .1904(a)(1)(B) and Rule .1904(a)(2) of this Section.

(c) When a child dies after childbirth is complete, each parent of the child who meets the eligibility requirements in Rule .1903 of this Section shall receive the full paid parental leave listed in Rule

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*PROPOSED RULES*

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.1904(a)(1) and (a)(2) of this Section. The paid parental leave will not be ended at the time of the child's death.

(d) In any of the situations above, agencies are encouraged to be flexible and allow adequate time to the parents for bereavement and recovery, using sick leave, vacation leave, bonus leave,

compensatory time, and any other leave options that may be available to the employee.

*Authority G.S. 126-8.6.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission March 27, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments 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)  
Jay R. Hemphill  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Barbara A. Jackson (1<sup>st</sup> Vice-Chair)  
Randy Overton (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Jake Parker  
Paul Powell

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

March 27, 2024	May 29, 2024
April 30, 2024	June 26, 2024

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**AGENDA**

**RULES REVIEW COMMISSION**

**Wednesday, March 27, 2024, 10:00 A.M.**

**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  - A. Office of State Budget and Management - 09 NCAC 03M .0202 (Peaslee)
  - B. Criminal Justice Education and Training Standards Commission - 12 NCAC 09F .0103, .0104, .0105 (Peaslee)
  - C. Board of Examiners in Optometry - 21 NCAC 42D .0102 (Peaslee)
  - D. Board of Examiners for Engineers and Surveyors - 21 NCAC 56 .0502, .0701 (Wiggs)
  - E. Building Code Council - 2024 North Carolina Energy Conservation Code (Liebman)
  - F. Building Code Council - 2024 North Carolina Fuel Gas Code (Liebman)
  - G. Building Code Council - 2024 North Carolina Mechanical Code (Liebman)
- IV. Review of Filings (Permanent Rules) for rules filed between January 21, 2024 through February 20, 2024
  1. State Board of Elections (Peaslee)
  2. Medical Care Commission (Ascher)
  3. Home Inspector Licensure Board (Liebman)
  4. Commission for Public Health (Wiggs)
  5. Board of Architecture and Registered Interior Designers (Liebman)
  6. Board of Certified Public Accountant Examiners (Ascher)
  7. Board of Chiropractic Examiners (Liebman)
  8. Board of Dental Examiners (Liebman)
  9. Interpreter and Transliterator Licensing Board (Peaslee)
  10. Board of Landscape Architects (Peaslee)
  11. Board of Funeral Service (Peaslee)
  12. Board of Podiatry Examiners (Wiggs)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review



VII. Commission Business

1. Closed session, to consult with attorneys regarding CRC v. RRC, EMC v. RRC, and other potential litigation
2. Next meeting: April 30, 2024

**Commission Review  
Log of Permanent Rule Filings  
January 21, 2024 through February 20, 2024**

**STATE BOARD OF ELECTIONS**

The rules in Chapter 4 concern voting equipment including use of mechanical voting machines (.0100); use of punch-card voting equipment (.0200); approval and operation of voting systems (.0300); and approval of electronic poll books (.0400).

<u>Standards for Certification of Electronic Poll Books</u>	08	NCAC 04	.0401
Adopt*			

<u>Procedures for Certification of Electronic Poll Books</u>	08	NCAC 04	.0402
Adopt*			

The rules in Chapter 17 concern photo identification.

<u>Verification of Photo Identification During In-Person Voting</u>	08	NCAC 17	.0101
Amend*			

<u>Determination of Reasonable Resemblance by Judges of Elec...</u>	08	NCAC 17	.0102
Repeal*			

<u>Identification Required of Curbside Voters</u>	08	NCAC 17	.0103
Repeal*			

<u>Declaration of Religious Objection to Photograph</u>	08	NCAC 17	.0105
Repeal*			

<u>Signage Notifying One-Stop Voters of the Option to Reques...</u>	08	NCAC 17	.0106
Repeal*			

<u>Photo Identification for Absentee-by-Mail Ballots</u>	08	NCAC 17	.0109
Adopt*			

**MEDICAL CARE COMMISSION**

The rules in Subchapter 13L concern nursing pool licensure including general information (.0100); licensing (.0200); and administration (.0300)

<u>Written Policies and Procedures</u>	10A	NCAC 13L	.0301
Amend*			

<u>Personnel Records</u>	10A	NCAC 13L	.0302
Amend*			

The rules in Subchapter 13P concern emergency medical services and trauma including definitions (.0100); EMS systems (.0200); specialty care transport programs (.0300); medical oversight and EMS personnel (.0400 - .0500); EMS educational institutions and programs (.0600); enforcement (.0700); trauma system definitions (.0800); trauma center standards and approval (.0900); trauma center designation enforcement (.1000); trauma system design (.1100); and recovery and rehabilitation of chemically dependent ems personnel (.1400).

<u>Abbreviations</u>	10A	NCAC 13P	.0101
Amend*			

<u>Definitions</u>	10A	NCAC 13P	.0102
Amend*			

<u>EMS System Requirements</u> Amend*	10A NCAC 13P .0201
<u>Ground Ambulance: Vehicle and Equipment Requirements</u> Amend*	10A NCAC 13P .0207
<u>Weapons and Explosives Forbidden</u> Amend*	10A NCAC 13P .0216
<u>Medical Ambulance/Evacuation Bus: Vehicle and Equipment R...</u> Amend*	10A NCAC 13P .0217
<u>Pediatric Specialty Care Ground Ambulance: Vehicle a...</u> Amend*	10A NCAC 13P .0218
<u>Patient Transportation Between Hospitals</u> Amend*	10A NCAC 13P .0221
<u>Ground Ambulance Vehicle Manufacturing Standards</u> Amend*	10A NCAC 13P .0224
<u>Specialty Care Transport Program Criteria</u> Amend*	10A NCAC 13P .0301
<u>Components of Medical Oversight for EMS Systems</u> Amend*	10A NCAC 13P .0401
<u>Components of Medical Oversight for Specialty Care Transp...</u> Amend*	10A NCAC 13P .0402
<u>Responsibilities of the Medical Director for EMS Systems</u> Amend*	10A NCAC 13P .0403
<u>Responsibilities of the Medical Director for Specialty Ca...</u> Amend*	10A NCAC 13P .0404
<u>Requirements for Emergency Medical Dispatch Priority Refe...</u> Amend*	10A NCAC 13P .0407
<u>Components of Medical Oversight for Air Medical Programs</u> Amend*	10A NCAC 13P .0410
<u>Initial Credentialing Requirements for EMR, EMT, AEMT, Pa...</u> Amend*	10A NCAC 13P .0502
<u>Term of Credentials for EMS Personnel</u> Amend*	10A NCAC 13P .0503
<u>Reinstatement of Lapsed EMS Credential</u> Amend*	10A NCAC 13P .0512
<u>Continuing Education EMS Educational Program Requirements</u> Amend*	10A NCAC 13P .0601
<u>Basic and Advanced EMS Educational Institution Requirements</u> Amend*	10A NCAC 13P .0602
<u>Initial Designation Process</u> Amend*	10A NCAC 13P .0904
<u>Renewal Designation Process</u> Amend*	10A NCAC 13P .0905
<u>EMS Educational Institutions</u> Amend*	10A NCAC 13P .1505
<u>EMS Personnel Credentials</u> Amend*	10A NCAC 13P .1507

**HOME INSPECTOR LICENSURE BOARD**

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

(.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Definitions</u>	11	NCAC 08	.1101
Amend*			
<u>Purpose and Scope</u>	11	NCAC 08	.1103
Amend*			
<u>General Exclusions</u>	11	NCAC 08	.1105
Amend*			
<u>Exterior</u>	11	NCAC 08	.1107
Amend*			
<u>Plumbing</u>	11	NCAC 08	.1109
Amend*			
<u>Electrical</u>	11	NCAC 08	.1110
Amend*			
<u>Code of Ethics</u>	11	NCAC 08	.1116
Amend*			

**PUBLIC HEALTH, COMMISSION FOR**

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

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

<u>Definitions</u>	15A	NCAC 18A	.1001
Readopt with Changes*			
<u>Field Sanitation</u>	15A	NCAC 18A	.1002
Readopt with Changes*			
<u>Standards and Approval of Plans</u>	15A	NCAC 18A	.1003
Readopt with Changes*			
<u>Permits</u>	15A	NCAC 18A	.1004
Readopt with Changes*			
<u>Inspections and Reinspections</u>	15A	NCAC 18A	.1006
Readopt with Changes*			
<u>Inspection Forms</u>	15A	NCAC 18A	.1007
Repeal*			
<u>Grading</u>	15A	NCAC 18A	.1008
Amend*			
<u>Standards</u>	15A	NCAC 18A	.1009
Repeal*			
<u>Water Supply</u>	15A	NCAC 18A	.1011
Readopt with Changes*			
<u>Recreational Waters</u>	15A	NCAC 18A	.1012
Readopt with Changes*			

<u>Toilet: Handwashing: Laundry: and Bathing Facilities</u> Readopt with Changes*	15A NCAC 18A .1014
<u>Food Service Facilities</u> Amend*	15A NCAC 18A .1017
<u>Food Service Utensils and Equipment</u> Repeal*	15A NCAC 18A .1018
<u>Food Supplies</u> Readopt/Repeal*	15A NCAC 18A .1019
<u>Shellfish</u> Repeal*	15A NCAC 18A .1020
<u>Milk and Milk Products</u> Readopt/Repeal*	15A NCAC 18A .1021
<u>Food Protection</u> Repeal*	15A NCAC 18A .1022
<u>Food Service Employees</u> Repeal*	15A NCAC 18A .1027
<u>Definitions</u> Readopt with Changes*	15A NCAC 18A .1601
<u>Approval of Plans</u> Readopt/Repeal*	15A NCAC 18A .1602
<u>Inspections</u> Readopt with Changes*	15A NCAC 18A .1603
<u>Reinspections: Visits</u> Readopt with Changes*	15A NCAC 18A .1604
<u>Inspection Forms</u> Readopt/Repeal*	15A NCAC 18A .1605
<u>Scoring System</u> Readopt with Changes*	15A NCAC 18A .1606
<u>Floors</u> Readopt with Changes*	15A NCAC 18A .1607
<u>Walls and Ceilings</u> Readopt with Changes*	15A NCAC 18A .1608
<u>Lighting and Ventilation</u> Readopt with Changes*	15A NCAC 18A .1609
<u>Toilet: Handwashing: and Bathing Facilities</u> Readopt with Changes*	15A NCAC 18A .1610
<u>Water Supply</u> Readopt with Changes*	15A NCAC 18A .1611
<u>Drinking Water Facilities: Ice Handling</u> Readopt/Repeal*	15A NCAC 18A .1612
<u>Liquid Wastes</u> Readopt with Changes*	15A NCAC 18A .1613
<u>Solid Wastes</u> Readopt with Changes*	15A NCAC 18A .1614
<u>Pest Control and Outdoor Premises</u> Readopt with Changes*	15A NCAC 18A .1615
<u>Chemical and Medication Storage</u> Readopt with Changes*	15A NCAC 18A .1616
<u>Beds: Linen: Laundry: Furniture</u> Readopt with Changes*	15A NCAC 18A .1617
<u>Food Service Utensils and Equipment</u> Readopt with Changes*	15A NCAC 18A .1618
<u>Food</u>	15A NCAC 18A .1619

Readopt with Changes*			
<u>Food Protection</u>	15A	NCAC 18A	.1620
Readopt with Changes*			
<u>Employees</u>	15A	NCAC 18A	.1621
Readopt with Changes*			
<u>Circulation System</u>	15A	NCAC 18A	.2518
Readopt with Changes*			
<u>Suction Hazard Reduction</u>	15A	NCAC 18A	.2539
Amend*			

**ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS, BOARD OF**

The rules in Chapter 2 are from the Board of Architecture and include general provisions (.0100); practice of architecture (.0200); examination procedures (.0300); rules, petitions, and hearings (.0400); declaratory rulings (.0500); administrative hearings: procedures (.0600); administrative hearings: decisions and related rights (.0700); judicial review (.0800); and continuing education (.0900).

<u>Fees</u>	21	NCAC 02	.0108
Amend*			
<u>Architect, Registered Interior Designer, Firm or Partners...</u>	21	NCAC 02	.0201
Amend*			
<u>Rules of Professional Conduct</u>	21	NCAC 02	.0203
Amend*			
<u>Requirement for and Use of Professional Seal by an Archit...</u>	21	NCAC 02	.0206
Amend*			
<u>Incompetence</u>	21	NCAC 02	.0210
Amend*			
<u>Individual Licenses and Registrations</u>	21	NCAC 02	.0213
Amend*			
<u>Firm Practice of Architecture and Registered Interior Design</u>	21	NCAC 02	.0214
Amend*			
<u>Out of State Firms</u>	21	NCAC 02	.0215
Amend*			
<u>Architectural Licensure by Examination</u>	21	NCAC 02	.0302
Amend*			
<u>Architecture Licensure by Reciprocity</u>	21	NCAC 02	.0303
Amend*			
<u>Interior Designer Registration</u>	21	NCAC 02	.0306
Amend*			
<u>Certification and Licensure for Military Personnel and Mi...</u>	21	NCAC 02	.0307
Adopt*			
<u>Who Shall Hear Contested Cases</u>	21	NCAC 02	.0606
Repeal*			

**CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF**

The rules in Subchapter 8F are the requirements for CPA examination and certificate applicants including general provisions (.0100), fees and refunds (.0200), educational requirements (.0300), experience (.0400), and applications (.0500).

<u>Conditioning Requirements</u>	21	NCAC 08F	.0105
Amend*			
<u>Work Experience Required of Candidates for CPA Certification</u>	21	NCAC 08F	.0401
Amend*			

**CHIROPRACTIC EXAMINERS, BOARD OF**

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

<u>Acupuncture</u> Amend*	21 NCAC 10 .0208
<u>Preceptors</u> Adopt*	21 NCAC 10 .0218

**DENTAL EXAMINERS, BOARD OF**

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

<u>Approved Education and Training Programs</u> Amend*	21 NCAC 16H .0104
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**INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

The rules in Chapter 25 are from the Interpreter and Transliterators Board including general provisions (.0100); licensing (.0200); moral fitness for licensure (.0300); reporting and disclosure requirements (.0400); continuing education (.0500); administrative procedure (.0600); and sanctions (.0700).

<u>Continuing Education Requirements</u> Amend*	21 NCAC 25 .0501
<u>Proration of Continuing Education Requirements</u> Amend*	21 NCAC 25 .0502
<u>Failure to Meet Continuing Education Requirements</u> Amend*	21 NCAC 25 .0503
<u>CEU Credit for Workshops, Conferences, and Independent St...</u> Amend*	21 NCAC 25 .0505

**LANDSCAPE ARCHITECTS, BOARD OF**

The rules in Chapter 26 are from the Board of Landscape Architects and include statutory and administrative provisions (.0100); practice rules for registered landscape architects (.0200); examination and licensing procedures (.0300); rules, petitions and hearings (.0400); and board disciplinary procedures (.0500).

<u>Fees</u> Amend*	21 NCAC 26 .0105
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**FUNERAL SERVICE, BOARD OF**

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

<u>Passing Score</u> Amend*	21 NCAC 34B .0208
<u>National Board Certificate</u> Amend*	21 NCAC 34B .0211
<u>Expiration of Text Scores</u> Repeal*	21 NCAC 34B .0213

**PODIATRY EXAMINERS, BOARD OF**

The rules in Chapter 52 concern Board of Podiatry Examiners including organization of the Board (.0100); examination and licensing (.0200); professional corporations (.0300); revocation or suspension of license (.0400); certification of podiatric assistants (.0500); general provisions (.0600); petitions for rules (.0700); notice of rulemaking hearings (.0800); rulemaking hearings (.0900); declaratory rulings (.1000); administrative hearing procedures (.1100); administrative hearings decisions related rights and procedures (.1200); nominations for podiatrist members of the board of podiatry examiners; the board of podiatry examiners constituting a board of podiatry elections; and procedures for holding an election (.1300); and scope of practice (.1400).

<u>Continuing Education</u>	21	NCAC 52	.0208
Amend*			
<u>Fee Schedule</u>	21	NCAC 52	.0613
Amend*			