

NORTH CAROLINA REGISTER

VOLUME 38 • ISSUE 20 • Pages 1309 – 1335

April 15, 2024

I. EXECUTIVE ORDERS	
Executive Order No. 306	1309 – 1310
II. IN ADDITION	
Building Code Council – Notice of Rulemaking.....	1311 – 1312
License and Theft Bureau – Public Notice of License Application Submission.....	1313
III. PROPOSED RULES	
Justice, Department of	
Sheriffs' Education and Training Standards Commission	1314 – 1318
Public Safety, Department of	
Department.....	1318 – 1319
Alarm Systems Licensing Board.....	1319 – 1322
Occupational Licensing Boards and Commissions	
Pharmacy, Board of.....	1322 – 1325
IV. RULES REVIEW COMMISSION	1326 – 1335

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947*

*Donald R. van der Vaart, Director
Ashley B. Snyder, Codifier of Rules
Dana McGhee, Publications Coordinator
Cathy Matthews-Thayer, Editorial Assistant*

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Ashley B. Snyder, Codifier of Rules

ashley.snyder@oah.nc.gov

984-236-1941

Dana McGhee, Publications Coordinator

dana.mcgee@oah.nc.gov

984-236-1937

Cathy Matthews-Thayer, Editorial Assistant

cathy.thayer@oah.nc.gov

984-236-1901

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Brian Liebman, Commission Counsel

brian.liebman@oah.nc.gov

984-236-1948

William W. Peaslee, Commission Counsel

bill.peaslee@oah.nc.gov

984-236-1939

Seth M. Ascher, Commission Counsel

seth.ascher@oah.nc.gov

984-236-1934

Travis Wiggs, Commission Counsel

travis.wiggs@oah.nc.gov

984-236-1929

Alexander Burgos, Paralegal

alexander.burgos@oah.nc.gov

984-236-1940

Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov

984-236-0694

NC Association of County Commissioners

919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Monica Jackson

mjackson@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building

300 North Salisbury Street

919-733-2578

Raleigh, North Carolina 27611

919-715-5460 FAX

Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

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 th 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
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
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

March 8, 2024

EXECUTIVE ORDER NO. 306

RESCINDING EXECUTIVE ORDER NO. 223

WHEREAS, the State of North Carolina's postsecondary educational institutions have a longstanding tradition of competing in intercollegiate sports with great success; and

WHEREAS, on July 1, 2021, the National Collegiate Athletic Association ("NCAA") issued rules permitting, for the first time in its history, the compensation of student-athletes for their name, image, and likeness; and

WHEREAS, at least twenty-five (25) states passed laws and issued executive orders permitting the compensation of student-athletes for their name, image, and likeness rights in their states following the NCAA's rule change; and

WHEREAS, on July 2, 2021, the undersigned issued Exec. Order No. 223, 36 N.C. Reg. 152-154 (Aug. 2, 2021), establishing the general responsibilities of collegiate institutions in North Carolina when developing name, image, and likeness policies for their student-athletes; and

WHEREAS, Executive Order No. 223 was developed in consultation with North Carolina's colleges and universities to ensure that North Carolina's institutions would be able to compete most effectively against other teams across the country; and

WHEREAS, since the July 2021 NCAA rule change, and the issuance of Executive Order No. 223, many student-athletes across North Carolina institutions have been able to successfully monetize their name, image, and likeness rights; and

WHEREAS, the rules, policies, and law concerning name, image, and likeness rights are changing rapidly, as demonstrated by a recent decision of the United States District Court for the Eastern District of Tennessee in *Tennessee v. NCAA* on February 23, 2024, against the NCAA, enjoining it from enforcing certain of its rules governing name, image, and likeness rights with respect to student-athlete recruitment; and

WHEREAS, Executive Order No. 223 should now be rescinded to align with the recent court order, reflect the changing legal landscape for college athletes and name, image, and likeness rights, and continue to preserve the competitiveness of North Carolina post-secondary institutions in college athletics.

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

Section 1. Rescinding Executive Order No. 223

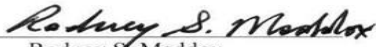
Executive Order No. 223 is hereby rescinded in its entirety, effective immediately upon issuance of this Executive Order.

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 8th day of March in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State



1 **NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING**

2
3 **NORTH CAROLINA BUILDING CODE COUNCIL**

4
5 **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with
6 G.S. 150B-21.5(d).

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Administrative Code and*
9 *Policies, Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire Code,*
10 *Fuel Gas Code, Mechanical Code, Plumbing Code and Residential Code amendments.*

11
12 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

13
14 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
15 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
16 *Council.*

17
18 **Public Hearing:** *Tuesday, June 11, 2024, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
19 *Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rules and any fiscal*
20 *impacts will be accepted.*

21
22 **Comment Procedures:** *Written comments may be sent to David B. Rittlinger, (Interim) Secretary, NC*
23 *Building Code Council, NC Department of Insurance: Office of the State Fire Marshal, 1429 Rock Quarry*
24 *Road, Raleigh, NC 27610 (email david.rittlinger@ncdoi.gov). Comments on both the proposed rule and*
25 *any fiscal impact will be accepted. Comment period expires on June 14, 2024.*

26
27 **Link to Agency Notice:**
28 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

29
30 **Statement of Subject Matter:**

31
32 **1. Request from the NCBCC Residential Standing Committee to amend the 2024 edition of the**
33 **North Carolina Residential Code, Chapter 44 Reference Standards as follows:**

34
35 Due to size, this petition can be conveniently viewed at the link below and selecting the link “B-5 2024
36 NCRC Chapter 44 Referenced Standards”:

1 [https://www.ncosfm.gov/news/events/building-code-council-meeting-new-petitions-and-final-adoption-](https://www.ncosfm.gov/news/events/building-code-council-meeting-new-petitions-and-final-adoption-only-b-and-d-items-march-19-2024)
2 [only-b-and-d-items-march-19-2024](https://www.ncosfm.gov/news/events/building-code-council-meeting-new-petitions-and-final-adoption-only-b-and-d-items-march-19-2024)

3

4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
5 1, 2025, unless the BCC assigns a delayed effective date.

6

7 **Reason Given** – 2018 NCRC, Chapter 44 Referenced Standards is amended to create the 2024 NCRC,
8 Chapter 44 Referenced Standards. Referenced Standards applying to Chapters 11 through 24 (Energy,
9 Mechanical and Fuel Gas) are unchanged from 2018 NCRC as per North Carolina General Assembly,
10 Session Law 2023-108, Section 7 and 8, that became law on 8/16/23. Updating the referenced standards for
11 the chapters of the 2024 NCRC not restricted by the aforementioned law is important to the functionality
12 and use of this code for the public.

13

14 **Fiscal Statement** – No impact to federal, state and local government funds. No substantial impact and/or
15 an increase of more than \$80 per dwelling. A fiscal note has not been prepared.

16

17 **NOTICE:**

18 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
19 following link.

20 <https://www.ncosfm.gov/interpretations>

21

22 **NOTICE:**

23 **Amendments** of the North Carolina State Building Codes are published online at the following link.

24 <https://www.ncosfm.gov/codes/codes-current-and-past>

25

26 **NOTICE:**

27 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
28 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

29 <http://www.ncoah.com/rules/>

North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: Storyteller Overland LLC

Applicant's Address: 428 Industrial Lane, Birmingham AL 35211

Application Date: 1-15-2024

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

Jeffrey Hunter CEO

Andy Dickerson CFO

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 Sheriffs' Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .0408, .0601 and .2201.

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

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: May 14, 2024

Time: 9:00 a.m.

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

Reason for Proposed Action:

12 NCAC 10B .0601 - The amendment to this rule is based on a recent Job Task Analysis completed for the detention officer certification training course. The course total was increased by eight hours and some topic names were modified.

12 NCAC 10B .0408 - The amendment to this rule is based on a recent change in how the Commission would like the results of the Psychological Screening Examination submitted to the Division. The Commission is requesting a form be completed by the psychologist completing the examination.

12 NCAC 10B .2201 - The amendment to this rule is to include the new form (F-2C) required to report the results of the psychological screening examination. One form was moved to put all forms in numerical order.

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

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

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

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

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

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

- (1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302(a) of this Subchapter;
- (2) certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) the applicant's Medical History Statement (F-1);
- (4) the applicant's Medical Examination Report (F-2 and F-2A);
- (5) the applicant's ~~unredacted Psychological Screening Examination as required by G.S. 17E-7; Psychological Screening Examination form (F-2C);~~
- (6) the applicant's notarized Personal History Statement (F-3);
- (7) the Commission-mandated Background Investigation Form (F-8) with all accompanying documentation set out in Rule .0305 of this Subchapter;
- (8) documentation of negative results on a drug screen pursuant to Rule .0301(6) of this Subchapter; and

- (9) documentation of the applicant's compliance with the probationary certification requirements pursuant to Rule .0403(b) of this Section, if the applicant is a deputy sheriff or a detention officer and is authorized by the agency to carry a firearm.
- (b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraph (a)(9) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:
 - (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention officer, or telecommunicator, with the employing agency requesting dual certification; and
 - (2) the officer has continuously been employed as a justice officer with the agency.
- (c) Where the Division has previously received a complete Background Investigation Form (F-8) with all accompanying documentation set out in Rule .0305 of this Subchapter in connection with another application for certification to this Commission, the Background Investigation need only be updated from the date of the last background investigation on file in the Division with documentation of compliance with Subparagraphs (f)(1), (2), and (3) of this Rule, and a certified criminal record check from each jurisdiction in which the person has resided in and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy. In addition:
 - (1) if the applicant has been issued an out-of-state driver's license by a state other than North Carolina since obtaining certification, then compliance with Subparagraph (f)(4) of this Rule, is required; and
 - (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a certified criminal record check from each jurisdiction shall be provided, if available. The criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy.
- (d) If the Personal History Statement (F-3) required in Subparagraph (a)(6) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.
- (e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(7) of this Rule was completed more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8) shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background Investigation Form (F-8), must be completed.
- (f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:
 - (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;
 - (2) the national criminal record database accessible through the Division of Criminal Information (DCI) network;
 - (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina;
 - (4) an out-of-state motor vehicles check obtained through the Division of Criminal Information or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license within the 10 year period prior to the date of appointment; and
 - (5) the applicant's Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter.
- (g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:
 - (1) where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;
 - (2) where the applicant resided in another country:
 - (A) an Interpol records check shall be acceptable provided the country is a member of Interpol;
 - (B) if the applicant was in the United States military, a military records check shall be acceptable; or
 - (C) if neither an Interpol or United States military record check are available, subject to the limits of United States and North Carolina law, the employing agency shall make a good faith effort to obtain a records check from the national law enforcement authority, judicial authority, or other governmental entity charged with maintaining criminal records for the country where the applicant resided and submit the record check if available. If the employing agency cannot obtain the records check it shall submit documentation consisting of the correspondence with the foreign governmental entity and a written report from the assigned background investigator explaining the employing

agency's efforts to obtain the record and why the record could not be obtained. The following steps are required to show a good faith effort to obtain the record check:

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

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

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

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

(j) The employing agency shall forward to the Division certified copies of any criminal charges and dispositions known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify any charges or other violations on the records checks required in Paragraph (f) of this

Rule that are for individuals other than the applicant for certification and explain why the employing agency believes another individual is responsible for the charge or violation.

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

SECTION .0600 - MINIMUM STANDARDS OF TRAINING FOR DETENTION OFFICERS

12 NCAC 10B .0601 DETENTION OFFICER CERTIFICATION COURSE

(a) ~~This Section establishes the current standard by which Sheriffs' Office and district confinement personnel shall receive detention officer training. The Detention Officer Certification Course shall consist of a minimum of 174 hours of instruction designed to provide the trainee with the skills and knowledge necessary to perform those tasks considered essential to the administration and operation of a confinement facility. The detention officer certification training program shall consist of the 182-hour Detention Officer Certification Course developed by the North Carolina Justice Academy and approved by the Commission.~~

(b) Each Detention Officer Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) LEGAL UNIT
 - (A) Orientation 3 hours
 - (B) Criminal Justice Systems 2 hours
 - (C) Legal Aspects of Management and Supervision 4 hours
 - (D) Introduction to Rules and Regulations 2 hours
 - (E) Ethics 3 hours
 - UNIT TOTAL 24 Hours
- (2) PHYSICAL UNIT
 - (A) Contraband/Searches 6 hours
 - (B) Patrol and Security ~~Function of the Jail~~ 5 hours
 - (C) Key and Tool Control 2 hours
 - (D) Investigative Process ~~in the Jail~~ 8 hours
 - (E) Transportation of Inmates 7 hours
 - (F) Prison Rape Elimination Act 2 hours
 - UNIT TOTAL 30 Hours
- (3) PRACTICAL APPLICATION UNIT
 - (A) Processing Inmates 8 hours
 - (B) Supervision and Management of Inmates 5 hours
 - (C) Suicides and Crisis Management 5 hours
 - (D) Aspects of Mental Illness 6 hours
 - (E) Fire Emergencies 4 hours
 - (F) Notetaking and Report Writing 6 hours
 - (G) Communication Skills 5 hours
 - UNIT TOTAL 39 hours
- (4) MEDICAL UNIT
 - (A) First Aid and CPR 8 hours

(B)	Medical Care in the Jail	6 hours
(C)	Stress	3 hours
(D)	Subject Control Techniques	3240 hours
(E)	Physical Fitness for Detention Officers	22 hours
	UNIT TOTAL	7479 hours
(5)	REVIEW AND TESTING	7 hours
(6)	STATE EXAM	3 hours
	TOTAL HOURS	174182 HOURS

~~(c) Consistent with the curriculum development policy of the Commission as published in the "Detention Officer Certification Course Management Guide," the Commission shall designate the developer of the Detention Officer Certification Course curricula and such designation shall be deemed by the Commission as approval for the developer to conduct pilot Detention Officer Certification Courses. Individuals who complete such a pilot Detention Officer Certification Course offering shall be deemed to have complied with and satisfied the minimum training requirement.~~

~~(d) The "Detention Officer Certification Training Manual" published by the North Carolina Justice Academy shall be used as the basic curriculum for the Detention Officer Certification Course. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual, CD, indexes and binder is fifty one dollars and seventy five cents (\$51.75) at the time this Rule was last amended.~~

~~(e) The "Detention Officer Certification Course Management Guide" published by the North Carolina Justice Academy is hereby incorporated by reference, including subsequent amendments and editions, and shall be used by school directors in planning, implementing, and delivering basic detention officer training. The standards and requirements established by the "Detention Officer Certification Course Management Guide" shall be adhered to by the school director. The Justice Academy shall issue to each certified school director a copy of the guide at the time of certification at no cost to the certified school.~~

(c) No Detention Officer Certification Course shall be offered by any agency or institution without the approval of the Commission pursuant to Rules .0704 and .0802 of this Subchapter. Any agency or institution desiring to offer the Detention Officer Certification Course shall file a Pre-Delivery Report, Form F-7A, with the Division.

Authority G.S. 17E-4(a).

SECTION .2200 – FORMS

12 NCAC 10B .2201 CERTIFICATION FORMS

(a) The following are Commission approved forms to be used by agencies in making reports, applications, or requests for certification of justice officers:

- (1) Form F-1, Medical History Statement, is completed by an applicant and consists of the applicant's medical information including medication, allergies, and immunizations, present and past physical conditions, injuries, diseases, or operations.

(2) Form F-2, Medical Examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination. The form consists of information about the applicant's vision, hearing, cardiovascular and circulatory health, urinalysis, TB skin test, other medical conditions relevant to the applicant's physical fitness to perform the duties of a justice officer, biographical information about the applicant, and the medical professional's recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice officer.

(3) Form F-2C, Psychological Screening Examination, is a form completed by the psychologist completing the examination. The form consists of the name of the psychologist completing the examination, the psychologist's license number, date of the examination, the psychologist's recommendation of suitability, and information disclosed by the applicant involving any reported criminal offenses, drug use, involuntary commitments, or employment terminations due to misconduct or rule violations.

~~(3)(4)~~ Form F-3, the Personal History Statement, is completed by the applicant and consists of information regarding the applicant's work, residential, military, and criminal history; financial condition; and references.

(4) ~~Form F-8, the Mandated Background Investigation Form, is completed by an agency's background investigator and consists of the applicant's biographical data, family data, scholastic data, employment data, criminal history, interviews and references, and a summary of the background investigator's findings.~~

(5) Form F-4 and F-4T, Report of Appointment, is completed by the reporting agency for the appointment of justice officers and shall contain a checklist indicating the applicant's progress toward completing the requirements for certification; the applicant's appointment date, position title, and status; the applicant's contact information; and prior certification history. The F-4 form is utilized for appointments as a deputy sheriff or detention officer. The form F-4T is utilized for appointments as a telecommunicator.

(6) Form F-6 and F-6R, Professional Certificate/Service Award, consists of information regarding the education, training, and experience qualifying the applicant for various levels of professional recognition under the Sheriffs' Education and Training Standards Commission's Professional Certificate Program. The F-6 form is utilized for full-time

- justice officers and the F-6R form is utilized for reserve justice officers.
- (7) Form F-7 and F-7T, Request for Certification, is completed by institutions and agencies requesting certification to deliver Detention Officer and Telecommunicator Courses. The form consists of information regarding the institution name, institution or agency head, school director, and facilities. Form F-7 is used when requesting certification to deliver Detention Officer courses and Form F-7T is used when requesting certification to deliver Telecommunicator courses.
 - (8) Form F-7A and F-7A-T, Pre-Delivery Report of Training Course Presentation, is completed by the institution or agency delivering Detention Officer and Telecommunicator Training Courses and consists of information on the course delivery location, school director, class schedule, anticipated date of the State Comprehensive Exam, and any planned instructional hours exceeding the minimum requirements. Form F-7A is utilized for Detention Officer courses and Form F-7A-T is utilized for Telecommunicator courses.
 - (9) Form F-7B and F-7B-T, Post-Delivery Report of Training Course Presentation, is completed by the institution or agency delivering Detention Officer and Telecommunicator Training Courses and consists of information on any substitutions of instructors as originally reported on the Pre-Delivery Report, any trainees who were not recommended for the state exam due to withdrawal or deficiencies, and the students who participated in and completed the course. Form F-7B is utilized for Detention Officer courses and Form F-7B-T is utilized for Telecommunicator courses.
 - (10) Form F-8, the Mandated Background Investigation Form, is completed by an agency's background investigator and consists of the applicant's biographical data, family data, scholastic data, employment data, criminal history, interviews and references, and a summary of the background investigator's findings.
 - (11) Form F-9 and F-9T, Change in Status, is completed by the employing agency and consists of any change in status for justice officers including full-time or part-time status, active or inactive status, changes to identifying information, and changes to firearms status. Form F-9 is utilized for any change in status for justice officers appointed as a deputy sheriff or detention officer. Form F-9T is utilized for any change in status for a justice officer appointed as a telecommunicator.
 - (12) Form F-9A, Firearms Qualification Record, is completed by the employing agency to record

the annual In-Service Firearms Training and Qualifications for justice officers who are authorized by the Sheriff to carry a shotgun, rifle, automatic weapon, or handgun. The form consists of training and qualification scores completed by the officer.

- (13) Form F-16, Criminal Justice Instructor Evaluation, is completed by the Certified School Director and In-Service Coordinator of the school and consists of a rating of instructional ability, student participation, and presentation of the lesson plan by the Instructor.
- (14) Form F-20, School Resource Officer Certification, is completed by an employing agency requesting certification of a justice officer as a School Resource Officer. The form consists of the officer's name, date of birth, name of agency and address, date awarded general certification, completion date of School Resource Officer training, and date assigned as a School Resource Officer.
- (15) Form I-2 and I-2-T, Request for Instructor Certification, is completed by an applicant for certification as an Instructor to deliver Detention Officer and Telecommunicator courses. The form consists of information about the applicant's experience and qualifications. Form I-2 is utilized by an applicant for certification as an Instructor to deliver Detention Officer courses and Form I-2-T is utilized by an applicant for certification as an Instructor to deliver Telecommunicator courses.

(b) All forms contained in this Rule may be accessed on the agency's website at <http://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

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

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Public Safety intends to adopt the rule cited as 14B NCAC 05B .0501 and amend the rule cited as 14B NCAC 05B .0201.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/about-dps/administrative-rules>

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: May 3, 2024

Time: 10:00 a.m.

Location: Archdale Building, Ground Floor Hearing Room, 512 North Salisbury Street, Raleigh NC 27699

Reason for Proposed Action:

Amendments to 14B NCAC 05B .0201 will remove the grant application period, application deadline, and application requirements to more closely align with federal grant application cycles, which occur at different times throughout the year and include varying application eligibility requirements and deadlines.

The adoption of 14B NCAC 05B .0501 will authorize the DPS Secretary to waive any rule in Subchapter 05B that is not statutorily required based on specific factors.

Comments may be submitted to: Margaret McDonald, 512 North Salisbury Street, Raleigh, NC 27604; email margaret.mcdonald@ncdps.gov

Comment period ends: June 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 05 – GOVERNOR'S CRIME COMMISSION

SUBCHAPTER 05B – GRANT ADMINISTRATION

SECTION .0200 – PROGRAM GRANTS

14B NCAC 05B .0201 APPLICATIONS FOR GRANTS

(a) The Executive Director of the Commission shall designate requirements for submission of grant applications. The grant application period shall begin on November 1 of each year and end on January 31. Funding priorities, as determined by the Commission, shall be listed on the Commission's website prior to the opening of an application period.

(b) Grant application submission dates shall be announced on the Commission website, https://www.ncdps.gov/about-dps/boards-

and-commissions/governors-crime-commission/grant-process not less than 90 days before the application is due.

(c) Grant applications shall be electronically submitted to the Commission through the Grants Management System (GMS) on or before the date announced on the Commission website.

(d) To be considered for funding, applicants shall complete the grant application, which shall may include the following information:

- (1) names, mailing addresses, telephone numbers, and signatures of the applicant;
(2) project information, including the following:
(A) a description of the project, its goals and objectives, and outcomes;
(B) the issues or problems addressed by the project;
(C) project operation and activities; and
(D) a sustainability plan;
(3) a proposed budget;
(4) a project time line;
(5) an explanation of how the project's results will be monitored and evaluated;
(6) any other information required by these Rules or requested by the Section in order to make a decision on the grant proposal; and
(7) a description of how the objectives of the proposed project are consistent with the outcomes and guidelines set forth in a State or federal grant program.

(e)(d) Applicants seeking funding for a two-year project shall submit the information required by Paragraph (d) with the requirements of Part (d)(2)(A), Part (d)(2)(C), and Subparagraph (d)(5) written to address the two-year grant period. Applicants shall also submit two one-year budgets.

Authority G.S. 143B-1103. 143B-1104.

SECTION .0500 – EXCEPTIONS

14B NCAC 05B .0501 WAIVER

The Secretary may waive any rule in this Subchapter that is not statutorily required. Factors the Secretary shall use in determining whether to waive a rule are:

- (1) the need to comply with a legislatively mandated or other off cycle grant;
(2) the nonrecurring use of expiring funds;
(3) a declared emergency; or
(4) when the Commission is acting solely as a fiscal agent.

Authority G.S. 143B-602(5); 143B-602(8)(b).

CHAPTER 17 - ALARM SYSTEMS LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alarm Systems Licensing Board intends to amend the rules cited as 14B NCAC 17 .0201, .0203, .0301, .0302 and .0306.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/dps-services/permits-licenses/alarm-system-licensing-board>

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: April 30, 2024

Time: 2:00 p.m.

Location: Conference Room, ASLB Office, 3101 Industrial Drive, Suite 104 Raleigh, NC 27609

Reason for Proposed Action: The Board's on-line application vendor is increasing its transaction fee effective September 1, 2024. To avoid having to amend five rules again in the future for further increases, and since this fee is set by the vendor and not retained by the Board, the rules are being amended accordingly.

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

Comment period ends: June 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

SECTION .0200 – PROVISIONS FOR LICENSEES

14B NCAC 17 .0201 APPLICATION FOR LICENSE

(a) Each applicant for a license shall submit an online application on the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigation or one set of

- classifiable fingerprints on an F.B.I. fingerprint card provided by the Board and mailed separately to the Board's office;
(2) one head and shoulders digital photograph of the applicant in JPG format of sufficient quality for identification, taken within six months prior to the online submission;
(3) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding 60 months;
(4) a minimum of three letters attesting to the good character and reputation of the applicant using the online character letter submission process; and
(5) the applicant's application fee, along with a four dollar (\$4.00) the convenience fee charged by the third party Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online.

(b) Each applicant shall upload evidence of high school graduation either by diploma, G.E.D. certificate, or other equivalent documentation.

(c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board stating that the applicant has reviewed the information with the Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

(d) Each applicant for a branch office license shall submit an online application on the website provided by the Board. This online application shall be accompanied by the branch office application fee.

(e) All photographs, record checks, proof of insurance, explanations of criminal charges, explanations of credit history, or requested documents shall be submitted online through the Board's website by any applicant for a permit, license, registration, or certificate within 60 days of the Board's receipt of the application form or a request from Board staff, whichever is later. Any failure to submit required or requested documents to complete the application process within this 60-day period shall void the application and require re-application.

Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8.

14B NCAC 17 .0203 FEES FOR LICENSE

(a) Application license fees are as follows plus a four dollar (\$4.00) the convenience fee charged by the third party Board's on-line application vendor and credit card transaction fee charged by the applicant's credit card provider and collected online:

- (1) one hundred fifty dollars (\$150.00) non-refundable initial application fee.
 - (2) five hundred dollar (\$500.00) biennial fee for a new or renewal license.
 - (3) one hundred fifty dollars (\$150.00) branch office license fee.
 - (4) one hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.
- (b) Fees shall be paid by credit card, or electronic funds transfer.

Authority G.S. 74D-7.

SECTION .0300 – PROVISIONS FOR REGISTRANTS

14B NCAC 17 .0301 APPLICATION FOR REGISTRATION

(a) Each licensee or qualifying agent shall submit an online application for the registration of his or her employee on the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigation or one set of classifiable fingerprints on a standard F.B.I. fingerprint card mailed separately to the Board's office;
- (2) one original signed S.B.I. release of information form uploaded online and the original mailed separately to the Board's office;
- (3) one head and shoulders digital photograph of the applicant of sufficient quality for identification, taken within six months prior to online submission, and uploaded with the application submission;
- (4) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding 60 months;
- (5) the registration fee required by Rule .0302 of this Section, along with a ~~four dollar (\$4.00) the~~ convenience fee charged by the ~~third party provider~~ Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online; and
- (6) a completed affidavit form attesting to the truth of the information provided and public notice statement form.

(b) The employer of an applicant who is currently registered with another alarm business shall complete an online application form provided by the Board. This form shall be accompanied by the applicant's multiple registration fee along with a ~~four dollar (\$4.00) the~~ convenience fee charged by the ~~third party provider~~ Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected

online. This online application shall be accompanied by a completed affidavit form and public notice statement form.

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

Authority G.S. 74D-2.1; 74D-5; 74D-8.

14B NCAC 17 .0302 FEES FOR REGISTRATION

(a) Registration fees are as follows, plus a ~~four dollar (\$4.00) the~~ convenience fee charged by the ~~third party~~ Board's on-line application vendor and credit card transaction fee charged by the applicant's credit card provider and collected online.

- (1) Fifty dollar (\$50.00) non-refundable biennial registration fee.
- (2) Ten dollar (\$10.00) non-refundable fee for registration of an employee who changes employment to another licensee.
- (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee.
- (4) Twenty dollar (\$20.00) late renewal fee to be paid for an application submitted no more than 30 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid by credit card, or electronic funds transfer.

Authority G.S. 74D-7.

14B NCAC 17 .0306 RENEWAL OR REREGISTRATION OF REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not less than 90 days prior to expiration of the applicant's current card and shall be accompanied by:

- (1) one digital head and shoulders color photograph of the applicant of acceptable quality for identification and made within 90 days of the application uploaded online with application submission;
- (2) statements of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding 24 months; and
- (3) the applicant's renewal fee, along with the ~~four dollar (\$4.00) the~~ convenience fee charged by the ~~third party~~ Board's on-line application vendor and credit card transaction fee charged by the applicant's credit card provider and collected online.

(b) Each licensee shall provide each applicant for registration or re-registration a copy of the online submitted application form provided by the Board. This form shall be submitted to the Board online and accompanied by:

- (1) one digital head and shoulders color photograph of the applicant of acceptable quality for identification and made within 90 days of the

- (2) application uploaded online with the application submission; and the applicant's registration fee, along with the ~~four dollar (\$4.00)~~ convenience fee charged by the ~~third party~~ Board's on-line application vendor and credit card transaction fee charged by the applicant's credit card provider and collected online.

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

(d) Members of the armed forces whose registrations are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the registration renewal fee and to complete the continuing education requirements prescribed by Section .0500 of this Chapter. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

Authority G.S. 74D-7; 74D-8; 93B-15.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 46 – BOARD OF PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to amend the rule cited as 21 NCAC 46 .2504.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbop.org/rulemakings.htm

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: May 21, 2024

Time: 9:30 a.m.

Location: North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517

Reason for Proposed Action: *The principal purpose of the amendment is to clarify the rule. The existing rule addresses patient history information requirements, drug utilization reviews, offers to counsel and counseling in a non-chronological and circuitous fashion. The amended rule would address these topics in a sequential work-flow order. It further would clarify how the rule operates, and may differ, in different practice settings. Substantively, the amendment would provide for initial general counseling to take place through recorded technological means, in cases where that is appropriate.*

Comments may be submitted to: Jay Campbell, 6015 Farrington Rd Ste 201, Chapel Hill, NC 27517; email ncboprulemaking@ncbop.org

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

SECTION .2500 - MISCELLANEOUS PROVISIONS

21 NCAC 46 .2504 PATIENT COUNSELING

~~(a) "Patient Counseling" shall mean the effective communication of information, as defined in this Rule, to the patient or representative in order to improve therapeutic outcomes by maximizing proper use of prescription medications, devices, and medical equipment. All provisions of this Rule shall apply to device and medical equipment permit holders, except Subparagraph (a)(8) of this Rule and except where otherwise noted. Specific areas of patient counseling include, but are not limited to, those matters listed in this Rule that in the exercise of the pharmacist's or device and medical equipment permit holder's professional judgment are considered significant:~~

- ~~(1) name, description, and purpose of the medication;~~
- ~~(2) route, dosage, administration, and continuity of therapy;~~
- ~~(3) special directions for use by the patient;~~
- ~~(4) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;~~
- ~~(5) techniques for self monitoring drug therapy;~~
- ~~(6) proper storage;~~
- ~~(7) prescription refill information; and~~
- ~~(8) action to be taken in the event of a missed dose.~~

~~(b) An offer to counsel shall be made on new or transfer prescriptions at the time the prescription is dispensed or delivered to the patient or representative. Ancillary personnel may make the offer to counsel, but the pharmacist must personally conduct counseling if the offer is accepted. Counseling by device and medical equipment permit holders must be conducted by personnel proficient in explaining and demonstrating the safe and proper use of devices and equipment. The person in charge shall be responsible for ensuring that all personnel conducting counseling are proficient in explaining and demonstrating the safe and proper use of devices and equipment and for documenting the demonstration of such proficiency. The offer shall be made orally and in person when delivery occurs at the pharmacy. When delivery occurs outside of the pharmacy, whether by mail, vehicular delivery or other means, the offer shall be made either orally and in person, or by telephone from the pharmacist to the patient. If delivery occurs outside of the pharmacy, the pharmacist shall provide the patient with access to a telephone service that is toll free for long distance calls. A pharmacy whose primary patient population is accessible through a local measured or toll-free exchange need not be required to offer toll free service. Counseling may be conducted by the provision of printed information in a foreign language if requested by the patient or representative. Professional judgment shall be exercised in determining whether or not to offer counseling for prescription refills. An offer to counsel shall be communicated in a positive manner to encourage acceptance.~~

~~(c) In order to ensure that a prescription is safe for a patient and to counsel a patient patients effectively, a reasonable effort shall be made to obtain, record, maintain, and update and maintain significant patient information, including:~~

- ~~(1) contact information for reaching the patient or patient's representative; name, address, telephone number;~~
- ~~(2) date of birth (age), gender, age and sex; and~~
- ~~(3) medical history; history relevant to safe use of the drug, device, or medical equipment, which may include:

 - ~~(A) disease states; state(s);~~
 - ~~(B) allergies; drug allergies and drug reactions;~~
 - ~~(C) current list of on non-prescription and prescription medications, devices, and medical equipment; and equipment.~~
 - ~~(D) past experience with the patient's drug, device or medical equipment.~~~~
- ~~(4) comments relevant to the individual's drug therapy.~~

A "reasonable effort" shall mean ~~an a good faith effort that is consistent with a pharmacist's professional judgment under the specific circumstances, to obtain from the patient or representative the foregoing patient information.~~ Ancillary personnel may collect, record, and obtain patient profile information, but the pharmacist or person in charge of the facility holding the device and medical equipment permit must review and interpret patient profile information and clarify confusing or conflicting information. Professional judgment shall be exercised as to whether and when individual patient history information should be sought from other health care providers.

(b) To the extent necessary to undertake a reasonable effort to obtain the information required in Paragraph (a) of this Rule, information shall be obtained from the patient, the patient's representative, or the patient's health care providers. The information required in Paragraph (a) of this Rule shall be obtained, recorded, maintained, and updated by:

- (1) In a pharmacy, a pharmacist, or a pharmacy technician or pharmacy intern supervised by the pharmacist; or
- (2) In a device or medical equipment facility, the person-in-charge or a person who is trained in obtaining, recording, maintaining, and updating the information required in Paragraph (a) of this Rule.

~~(d)(c) Once patient information is obtained, this information shall be reviewed and updated by the pharmacist or person in charge. A pharmacist, pharmacy intern under the supervision of a pharmacist, or person-in-charge of the device or medical equipment facility holding the device and medical equipment permit shall review, interpret, clarify where necessary, and apply the information set out in Paragraph (a) of this Rule before each prescription or order is dispensed filled or delivered, typically at the point of sale or point of distribution to screen for potential therapeutic issues drug therapy problems due to:~~

- ~~(1) therapeutic duplication;~~
- ~~(2) drug-disease contraindication;~~
- ~~(3) drug-drug interactions, including serious interactions with prescription or over-the-counter drugs;~~
- ~~(4) incorrect drug dosage or duration of drug treatment;~~
- ~~(5) drug-allergy interactions; and~~
- ~~(6) clinical abuse/misuse.~~

~~(d) An offer to counsel shall be made as follows:~~

- (1) An offer to counsel shall be made in the following circumstances:

 - (A) On any new or transfer prescription; and
 - (B) On any prescription when deemed necessary in the exercise of the professional judgment of a pharmacist or a person-in-charge of a device or medical equipment facility.
- (2) The offer to counsel shall be communicated by:

 - (A) In a pharmacy, a pharmacist, pharmacy technician, pharmacy intern, or other employee supervised by the pharmacist; or
 - (B) In a device or medical equipment facility, the person-in-charge or an employee supervised by that person-in-charge.
- (3) The offer to counsel shall be communicated:

 - (A) At the time that in-person delivery occurs at the pharmacy or at a device or medical equipment facility;
 - (B) With respect to other delivery, by information or materials provided accompanying the delivery, with

instructions on how to access patient counseling via live communication without cost to the patient with one of the persons listed in Subparagraph (e)(2) of this Rule.

(e) ~~Unless refused by the patient or representative, patient counseling~~ Counseling shall be provided as follows:

(1) ~~counseling shall be "face to face" by the pharmacist, or personnel of a device and medical equipment permit holder when possible;~~ Counseling shall be performed in the following circumstances:

- (A) Unless the offer to counsel is refused;
- (B) If a patient requests counseling at a time other than when the offer to counsel is conveyed; and
- (C) If a pharmacist or person-in-charge deems necessary in the exercise of the professional judgment.

(2) Counseling shall be performed by:

- (A) With respect to a pharmacy, a pharmacist or a pharmacy intern under the supervision of a pharmacist; or
- (B) With respect to a device or medical equipment facility, either the person-in-charge; or an employee of the device or medical equipment facility whom the person-in-charge has determined is proficient in explaining the safe and proper use of devices or medical equipment, in the person-in-charge's professional judgment.
- (C) With respect to instances in which non-pharmacists and non-persons-in-charge are authorized to dispense drugs, devices or medical equipment, by those persons authorized to perform the dispensing.

(3) Counseling shall be performed on those subjects needed for the safe use of the drug, device or medical equipment, within the professional judgment of a pharmacist or the person-in-charge of a device or medical equipment facility. The pharmacist or person-in-charge shall consider the following subjects for counseling, as appropriate under the specific circumstances:

- (A) name, description, and purpose of the medication;
- (B) route, dosage, administration, and continuity of therapy;
- (C) special directions for use by the patient;
- (D) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;

- (E) techniques for self-monitoring drug therapy;
- (F) proper storage;
- (G) prescription refill information; and
- (H) action to be taken in the event of a missed dose.

(4) As an initial matter, upon request by the patient or patient's representative, counseling may be conducted by recorded communication accompanied by instructions on how to access additional follow-up patient counseling via live communication from one of the persons in Subparagraph (2) of this Paragraph unless:

- (A) A pharmacist or person-in-charge may need to receive additional information regarding a patient in order to provide counseling consistent with this Rule in the exercise of professional judgment;
- (B) The recorded communication does not address all subjects of counseling that should be covered under the standard of Subparagraph (3) of this Paragraph; or
- (C) The circumstances require the pharmacist or person-in-charge of the device or medical facility to ensure that the patient understands the subjects of counseling in the exercise of professional judgment.

~~(2)~~(5) The person performing counseling under this Paragraph is authorized to use recorded communication and alternative forms of patient information may be used to as a supplement to patient counseling; counseling in any circumstance in which it is within the exercise of professional judgment.

~~(3)~~ patient counseling, as described in this Rule, shall be required for outpatient and discharge patients of hospitals, health maintenance organizations, health departments, and other institutions; however, compliance with this Rule in locations in which non-pharmacists are authorized by law or regulations to dispense may be accomplished by such authorized non-pharmacists; and

~~(4)~~ patient counseling, as described in this Rule, shall not be required for inpatients of hospitals or other institutions where a nurse or other licensed health care professional administers the medication(s).

~~(f) Pharmacists that distribute prescription medication by mail, and where the practitioner pharmacist patient relationship does not exist, shall provide counseling services for recipients of such medication in accordance with this Rule. With respect to inmates:~~

(1) With respect to Paragraphs (a) and (b) of this Rule, a pharmacist or person-in-charge of a device or medical equipment facility, is not required gather information beyond what may be gathered from records either available to the

pharmacy (including, for example, the pharmacy's own records, records from the penal institution, and the controlled substance reporting system) or from the health care provider.

(2) The requirements of Paragraph (c) of this Rule remain in effect as to the information available under Subparagraph (1) of this Paragraph.

(3) Offers to counsel under Paragraph (d) and patient counseling under Paragraph (e) may be made:

(A) Through printed or electronic material, where such material can be provided to the patient; or

(B) By a correctional or law enforcement officer, where such material cannot be provided or in addition to such material.

~~(g) Records resulting from compliance with this Rule, including documentation of refusals to receive counseling, shall be maintained for three years in accordance with Section .2300 of this Chapter. With respect to inpatients of health care facilities, as defined in Rule .1317 of this Chapter, who are administered a drug, device or medical equipment by an authorized health care professional in the health care facility:~~

~~(1) The requirements of Paragraphs (a), (b) and (c) of this Rule remain in effect, though the~~

information required in Paragraph (a) of this Rule may be gathered by any authorized health care professional, in addition to or instead of the persons set forth in Paragraph (b) of this Rule.

~~(2) Paragraphs (d) and (e) of this Rule do not apply.~~

~~(h) Personnel of In addition to the counseling set forth in this Rule and regardless of patient request, persons-in-charge of device and medical equipment permit holders shall give written notice of warranty, if any, regarding service after the sale. The permit holder shall maintain documentation demonstrating that the written notice of warranty was given to the patient.~~

~~(i) Records of compliance with this Rule shall be maintained for three years in accordance with Section .2300 of this Chapter. Offers to counsel and patient counseling for inmates need not be "face to face", but rather, may be conducted through a correctional or law enforcement officer or through printed material. A pharmacist or a device and medical equipment permit holder dispensing drugs or devices or delivering medical equipment to inmates need not comply with Paragraph (c) of this Rule. However, once such patient information is obtained, the requirements of Paragraph (d) of this Rule shall be followed.~~

Authority G.S. 90-85.6; 90-85.22; 90-85.32; 42 U.S.C. 1396r-8(g).

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission April 30, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Jay R. Hemphill
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Barbara A. Jackson (1st Vice-Chair)
Randy Overton (2nd 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

April 30, 2024	June 26, 2024
May 29, 2024	July 31, 2024

AGENDA

RULES REVIEW COMMISSION

Tuesday, April 30, 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. Home Inspector Licensure Board - 11 NCAC 08 .1101, .1103, .1105, .1107, .1109, .1110, .1116 (Liebman)
 - B. Criminal Justice Education and Training Standards Commission - 12 NCAC 09F .0103, .0104, .0105 (Peaslee)
 - C. State Board of Education – 16 NCAC 06C .0602 (Ascher)
 - D. Board of Examiners in Optometry - 21 NCAC 42D .0102 (Peaslee)
 - E. Board of Examiners for Engineers and Surveyors - 21 NCAC 56 .0502, .0701 (Wiggs)
 - F. Building Code Council - 2024 North Carolina Energy Conservation Code (Liebman)
 - G. Building Code Council - 2024 North Carolina Fuel Gas Code (Liebman)
 - H. Building Code Council - 2024 North Carolina Mechanical Code (Liebman)
- IV. Review of Filings (Permanent Rules) for rules filed between February 21, 2024 through March 20, 2024
 1. Radiation Protection Commission (Wiggs)
 2. DHHS - Division of and Commission for Mental Health/DD/SAS - Commission for Mental Health/DD/SAS (Wiggs)
 3. Criminal Justice Education and Training Standards Commission (Peaslee)
 4. Department of Labor (Peaslee)
 5. Wildlife Resources Commission (Ascher)
 6. Board of Pharmacy (Peaslee)
 7. Building Code Council (Liebman)
- 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 and other potential litigation
 2. Next meeting: Wednesday May 29, 2024

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

RADIATION PROTECTION COMMISSION

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); industrial radiography x-ray machines (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); and standards for protection against radiation (.1600).

<u>General Rules Applicable to the Specific Licensing of Byp...</u> Readopt with Changes*	10A NCAC 15 .0301
<u>General Domestic Licenses for Byproduct Material</u> Readopt with Changes*	10A NCAC 15 .0302
<u>Exempt Concentrations: Other than Source Material</u> Readopt/Repeal*	10A NCAC 15 .0303
<u>Specific Licenses: Manufacture or Transfer Certain Items ...</u> Readopt with Changes*	10A NCAC 15 .0304
<u>Specific Domestic Licenses of Broad Scope for Byproduct M...</u> Readopt with Changes*	10A NCAC 15 .0305
<u>Medical Use of Byproduct Material in Humans</u> Readopt with Changes*	10A NCAC 15 .0307
<u>Licenses and Radiation Safety Requirements for Irradiators</u> Readopt with Changes*	10A NCAC 15 .0308
<u>Domestic Licensing of Source Material</u> Readopt with Changes*	10A NCAC 15 .0309
<u>Domestic Licensing of Special Nuclear Material</u> Readopt with Changes*	10A NCAC 15 .0310
<u>General Licenses: Calibration and Reference</u> Readopt/Repeal*	10A NCAC 15 .0312
<u>General Licenses: In Vitro Clinical or Laboratory Testing</u> Readopt/Repeal*	10A NCAC 15 .0314
<u>General Licenses: Ice Detection Devices</u> Readopt/Repeal*	10A NCAC 15 .0315
<u>Specific Licenses: Filing Application and General Require...</u> Readopt/Repeal*	10A NCAC 15 .0317
<u>Specific Licenses: General Requirements for Human Use</u> Readopt/Repeal*	10A NCAC 15 .0318
<u>Specific Licenses: Human Use in Hospitals</u> Readopt/Repeal*	10A NCAC 15 .0319
<u>Specific Licenses: Human Use by Individual Physicians</u> Readopt/Repeal*	10A NCAC 15 .0320
<u>Specific Licenses: General Requirements for Human Use of ...</u> Readopt/Repeal*	10A NCAC 15 .0321
<u>Specific Licenses: Human Use of Sealed Sources</u> Readopt/Repeal*	10A NCAC 15 .0322
<u>Specific Licenses: Broad Scope</u> Readopt/Repeal*	10A NCAC 15 .0324
<u>Specific Licenses: Exempt Gas and Aerosol Detectors</u>	10A NCAC 15 .0327

<u>Readopt/Repeal*</u>	
<u>Specific Licenses: Manufacture Devices to Persons Licensed</u> Readopt/Repeal*	10A NCAC 15 .0328
<u>Specific Licenses: Luminous Safety Devices in Aircraft</u> Readopt/Repeal*	10A NCAC 15 .0329
<u>Specific Licenses: Manufacture of Calibration Sources</u> Readopt/Repeal*	10A NCAC 15 .0330
<u>Specific Licenses - Manufacture of In Vitro Test Kits</u> Readopt/Repeal*	10A NCAC 15 .0331
<u>Specific Licenses: Manufacture of Ice Detection Devices</u> Readopt/Repeal*	10A NCAC 15 .0332
<u>Specific Licenses: Manufacture of Radiopharmaceuticals</u> Readopt/Repeal*	10A NCAC 15 .0333
<u>Specific Licenses: Generators and Reagent Kits</u> Readopt/Repeal*	10A NCAC 15 .0334
<u>Specific Licenses: Products Containing Depleted Uranium</u> Readopt/Repeal*	10A NCAC 15 .0335
<u>Issuance of Specific Licenses and Sealed Source and Devic...</u> Readopt/Repeal*	10A NCAC 15 .0337
<u>Specific Terms and Conditions of Licenses</u> Readopt/Repeal*	10A NCAC 15 .0338
<u>Expiration and Termination of Licenses and Decommissioning</u> Readopt/Repeal*	10A NCAC 15 .0339
<u>Renewal of Licenses</u> Readopt/Repeal*	10A NCAC 15 .0340
<u>Amendment of Licenses at Request of Licensee</u> Readopt/Repeal*	10A NCAC 15 .0341
<u>Agency Action on Applications to Renew or Amend</u> Readopt/Repeal*	10A NCAC 15 .0342
<u>Transfer of Material</u> Readopt/Repeal*	10A NCAC 15 .0343
<u>Modification: Revocation: and Termination of Licenses and...</u> Readopt/Repeal*	10A NCAC 15 .0344
<u>Specific Licenses: Certain Incinerator Facilities</u> Readopt/Repeal*	10A NCAC 15 .0348
<u>Specific Licenses: Mobile Nuclear Medicine Services</u> Readopt/Repeal*	10A NCAC 15 .0351
<u>Emergency Plans</u> Readopt/Repeal*	10A NCAC 15 .0352
<u>Financial Assurance and Record-Keeping for Decommissioning</u> Readopt/Repeal*	10A NCAC 15 .0353
<u>Methods of Financial Assurance for Decommissioning</u> Readopt/Repeal*	10A NCAC 15 .0354
<u>Financial Tests: Self- and Parent Co. Guarantees: Decommi...</u> Readopt/Repeal*	10A NCAC 15 .0355
<u>Procedures for Administrations Requiring a Written Directive</u> Readopt/Repeal*	10A NCAC 15 .0356
<u>Reporting Requirements</u> Readopt/Repeal*	10A NCAC 15 .0357
<u>Release of Patients Containing Radiopharmaceuticals or Pe...</u> Readopt/Repeal*	10A NCAC 15 .0358
<u>Measurements/Dosages of Unsealed Radioactive Material for...</u>	10A NCAC 15 .0359

<u>Readopt/Repeal*</u>	
<u>Surveys of Radiopharmaceutical Areas for Radiation Exposu...</u>	10A NCAC 15 .0360
<u>Readopt/Repeal*</u>	
<u>Medical Use of Unsealed Radioactive Material</u>	10A NCAC 15 .0361
<u>Readopt/Repeal*</u>	
<u>Decay-In-Storage</u>	10A NCAC 15 .0362
<u>Readopt/Repeal*</u>	
<u>Provisions for the Protection of Human Research Subjects</u>	10A NCAC 15 .0363
<u>Readopt/Repeal*</u>	
<u>Medical Events</u>	10A NCAC 15 .0364
<u>Readopt/Repeal*</u>	
<u>Report and Notification of a Dose to an Embryo/Fetus or a...</u>	10A NCAC 15 .0365
<u>Readopt/Repeal*</u>	
<u>Industrial Radiographic Operations of Electronic Radiatio...</u>	10A NCAC 15 .0501
<u>Amend*</u>	
<u>Definitions</u>	10A NCAC 15 .0502
<u>Repeal*</u>	
<u>Equipment Radiation Level Limits</u>	10A NCAC 15 .0503
<u>Readopt/Repeal*</u>	
<u>Radiographic Exposure Devices and Storage Containers</u>	10A NCAC 15 .0504
<u>Readopt/Repeal*</u>	
<u>Storage, Labels and Transportation Precautions</u>	10A NCAC 15 .0505
<u>Readopt/Repeal*</u>	
<u>Survey Instruments</u>	10A NCAC 15 .0506
<u>Repeal*</u>	
<u>Leak Testing and Replacement of Sealed Sources</u>	10A NCAC 15 .0507
<u>Readopt/Repeal*</u>	
<u>Quarterly Inventory</u>	10A NCAC 15 .0508
<u>Readopt/Repeal*</u>	
<u>Utilization Logs</u>	10A NCAC 15 .0509
<u>Repeal*</u>	
<u>Limitations</u>	10A NCAC 15 .0510
<u>Repeal*</u>	
<u>Inspection and Maintenance</u>	10A NCAC 15 .0511
<u>Repeal*</u>	
<u>Personnel Monitoring</u>	10A NCAC 15 .0512
<u>Repeal*</u>	
<u>Operating and Emergency Procedures</u>	10A NCAC 15 .0513
<u>Repeal*</u>	
<u>Security</u>	10A NCAC 15 .0514
<u>Repeal*</u>	
<u>Radiation Surveys and Survey Records</u>	10A NCAC 15 .0515
<u>Repeal*</u>	
<u>Posting</u>	10A NCAC 15 .0516
<u>Repeal*</u>	
<u>Supervision of Radiographers' Assistants</u>	10A NCAC 15 .0517
<u>Repeal*</u>	
<u>Subjects to be Covered During Instruction of Radiographers</u>	10A NCAC 15 .0519
<u>Repeal*</u>	
<u>Permanent Radiographic Installations</u>	10A NCAC 15 .0520
<u>Repeal*</u>	
<u>Performance Requirements for Radiography Equipment</u>	10A NCAC 15 .0521

Readopt/Repeal*	
<u>Reporting Requirements</u>	10A NCAC 15 .0522
Repeal*	
<u>Records of Industrial Radiography</u>	10A NCAC 15 .0523
Repeal*	
<u>Specific License for Industrial Radiography</u>	10A NCAC 15 .0524
Readopt/Repeal*	
<u>Radiographer Certification</u>	10A NCAC 15 .0525
Repeal*	
<u>Scope</u>	10A NCAC 15 .0701
Readopt/Repeal*	
<u>Manual Brachytherapy</u>	10A NCAC 15 .0702
Readopt/Repeal*	

HHS - MENTAL HEALTH/DD/SAS, DIVISION OF/COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

The rules in Subchapter 27G are from either the department or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services including general information (.0100); operation and management rules (.0200); physical plant rules (.0300); facility licensing procedures (.0400); area program requirements (.0500); area authority or county program monitoring of facilities and services (.0600); accreditation of area programs and services (.0700); waivers and appeals (.0800); general rules for infants and toddlers (.0900); partial hospitalization for individuals who are mentally ill (.1100); psychological rehabilitation facilities for individuals with severe and persistent mental illness (.1200); residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1300); day treatment for children and adolescents with emotional or behavioral disturbances (.1400); intensive residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1500); residential treatment staff secure facilities for children or adolescents (.1700); psychiatric residential treatment facilities for children and adolescents (.1900); specialized community residential centers for individuals with developmental disabilities (.2100); before/after school and summer developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2200); adult developmental and vocational programs for individuals with developmental disabilities (.2300); developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2400); early childhood intervention services (ECIS) for children with an at risk for developmental delays or disabilities, or atypical development and their families (.2500); nonhospital medical detoxification for individuals who are substance abusers (.3100); social setting detoxification for substance abuse (.3200); outpatient detoxification for substance abuse (.3300); residential treatment/rehabilitation for individuals with substance abuse disorders (.3400); outpatient facilities for individuals with substance abuse disorders (.3500); outpatient opioid treatment (.3600); day treatment facilities for individuals with substance abuse disorders (.3700); substance abuse services for DWI offenders (.3800); drug education schools (DES) (.3900); treatment alternatives to street crimes (TASC) (.4000); substance abuse primary prevention services (.4200); therapeutic community (.4300); facility based crises services for individual of all disability groups (.5000); community respite services for individuals of all disability groups (.5100); residential therapeutic (habilitative) camps for children and adolescents of all disability groups (.5200); day activity for individuals of all disability groups (.5400); sheltered workshops for individuals of all disability groups (.5500); supervised living for individuals of all disability groups (.5600); assertive community treatment service (.5700); supportive employment for individuals of all disability groups (.5800); case management for individuals of all disability groups (.5900); inpatient hospital treatment for individuals who have mental illness or substance abuse disorders (.6000); emergency services for individuals of all disability groups (.6100); outpatient services for individuals of all disability groups (.6200); companion respite services for individuals of all disability groups (.6300); personal assistants for individuals of all disabilities groups (.6400); employment assistance programs (.6500); specialized foster care services (.6600); forensic screening and evaluation services for individuals of all disability groups (.6700); prevention services (.6800); consultation and education services (.6900); local management entity response to complaints (.7000); and target population (.7100).

<u>Appeals Regarding Utilization Review Decisions for Non-Me...</u>	10A NCAC 27G .7004
Amend*	

MENTAL HEALTH/DD/SAS, COMMISSION FOR

The rules in Subchapter 27I are from the Secretary of Health and Human Services and are the requirements of local management entities including general information (.0100); general operations and management requirements (.0200); secretary approval of LME service delivery (.0400); content, format, submission, review and approval of local management entity business plan (.0500); and the non-medicaid appeal process (.0600).

<u>Scope</u>	10A NCAC 27I .0601
Amend*	
<u>Definitions</u>	10A NCAC 27I .0602
Amend*	
<u>Division's Initial Response to a Non-Medicaid Appeal</u>	10A NCAC 27I .0605
Amend*	
<u>Hearing Schedule and Composition of the Panel</u>	10A NCAC 27I .0606
Amend*	
<u>Panel Hearing Procedures</u>	10A NCAC 27I .0607
Amend*	
<u>Panel Decision Findings</u>	10A NCAC 27I .0608
Amend*	
<u>Final Written Decision</u>	10A NCAC 27I .0609
Amend*	

The rules in Chapter 28 are from either the Secretary or the Mental Health Commission and concern state operated facilities and services. The rules in Subchapter 28F concern admission and discharge including admission (.0100); voluntary admissions, involuntary commitments and discharge of adults from regional psychiatric hospitals (.0200); medical staff bylaws of North Carolina regional mental hospitals (.0300); hospitals behavior therapy programs (.0400); designation of research facilities in regional psychiatric hospitals (.0500); voluntary admission of adults who are not otherwise admissible as clients to designated research facilities in regional psychiatric hospitals (.0600); admission of deaf clients to state psychiatric hospitals and transfer of deaf clients to Dorothea Dix Hospital (.0700); general rules for MR Centers (.0800); voluntary admission and discharge to alcoholic rehabilitation centers (ARCS) (.0900); and probation and discharge (.1000).

<u>Regions for Division Institutional Admissions</u>	10A NCAC 28F .0101
Amend*	

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

<u>Agency Retention of Records of Certification</u>	12 NCAC 09C .0307
Amend*	

LABOR, DEPARTMENT OF

The rules in Chapter 15 pertain to elevators and amusement devices and include general provisions (.0100); various industry codes and standards (.0200); elevators and related equipment (.0300); amusement devices (.0400); penalties (.0500); forms (.0600); and fees (.0700).

<u>Amusement Device Inspection Fee Schedule</u>	13 NCAC 15 .0703
Amend*	

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

<u>When Issued</u>	15A NCAC 10A .0501
Readopt with Changes*	
<u>When Not Issued</u>	15A NCAC 10A .0502
Readopt with Changes*	
<u>Procedure</u>	15A NCAC 10A .0503
Readopt with Changes*	
<u>Funding Sources</u>	15A NCAC 10A .1301
Readopt/Repeal*	
<u>Offenses and Reward Amounts</u>	15A NCAC 10A .1302
Readopt with Changes*	
<u>Eligibility</u>	15A NCAC 10A .1303
Readopt with Changes*	

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), tagging furs (.0400), chronic wasting disease management (.0500).

<u>Dog Training and Field Trials</u>	15A NCAC 10B .0114
Repeal*	
<u>Bear</u>	15A NCAC 10B .0202
Amend*	
<u>Deer (White Tailed)</u>	15A NCAC 10B .0203
Amend*	
<u>Ring-Necked Pheasant</u>	15A NCAC 10B .0211
Amend*	
<u>Feral Swine</u>	15A NCAC 10B .0223
Amend*	

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish in inland fishing waters (.0300); nongame fish in inland fishing waters (.0400); primary nursery areas (.0500); anadromous fish spawning areas (.0600); game fish in coastal fishing waters (.0700); and joint fishing waters (.0800).

<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205
Amend*	
<u>Spawning Areas</u>	15A NCAC 10C .0208
Amend*	
<u>Largemouth Bass</u>	15A NCAC 10C .0305
Amend*	
<u>Crappie</u>	15A NCAC 10C .0306
Amend*	
<u>Flounder</u>	15A NCAC 10C .0307
Amend*	
<u>American Shad and Hickory Shad</u>	15A NCAC 10C .0313
Amend*	
<u>Striped Bass</u>	15A NCAC 10C .0314
Amend*	
<u>Mountain Trout</u>	15A NCAC 10C .0316
Amend*	

<u>Inland Game Fishes Designated in Joint Fishing Waters</u> Adopt*	15A NCAC 10C .0801
<u>Taking and Possession of Other Fishes by Hook and Line in...</u> Adopt*	15A NCAC 10C .0802

The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Hunting on Game Lands</u> Amend*	15A NCAC 10D .0103
<u>Wayne Bailey-Caswell Game Land in Caswell County</u> Amend*	15A NCAC 10D .0215
<u>Chatham Game Land in Chatham County</u> Amend*	15A NCAC 10D .0216
<u>Dover Bay Game Land in Craven County</u> Amend*	15A NCAC 10D .0225
<u>Harris Game Land in Chatham, Harnett, and Wake Counties</u> Amend*	15A NCAC 10D .0233
<u>Lee Game Land in Lee County</u> Amend*	15A NCAC 10D .0245
<u>Nantahala Game Land in Cherokee, Clay, Graham, Jackson, M...</u> Amend*	15A NCAC 10D .0251
<u>North River Game Land in Camden and Currituck Counties</u> Amend*	15A NCAC 10D .0256
<u>Thurmond Chatham Game Land in Alleghany and Wilkes Counties</u> Amend*	15A NCAC 10D .0283
<u>Yadkin River Game Land in Davidson, Davie, Montgomery, Ro...</u> Amend*	15A NCAC 10D .0293
<u>North Bend Game Land in Burke County</u> Adopt*	15A NCAC 10D .0294

The rules in Subchapter 10E concern fishing and boating access areas.

<u>Definition</u> Readopt with Changes*	15A NCAC 10E .0101
<u>Regulations Posted</u> Readopt/Repeal*	15A NCAC 10E .0102
<u>Signs and Markers</u> Readopt/Repeal*	15A NCAC 10E .0103
<u>Use of Areas Regulated</u> Readopt with Changes*	15A NCAC 10E .0104

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised waterfowl and game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500) and field trials and dog training (.1700).

<u>General Requirements</u> Amend*	15A NCAC 10H .0101
<u>Establishment and Operation</u> Amend*	15A NCAC 10H .0102
<u>Records and Reporting Requirements</u> Amend*	15A NCAC 10H .0105
<u>Quail Call-Pen Traps</u> Amend*	15A NCAC 10H .0109

<u>Game Bird Propagation License</u> Amend*	15A NCAC 10H .0901
<u>Disposition of Game Birds or Game Birds Eggs</u> Amend*	15A NCAC 10H .0904
<u>Transportation</u> Amend*	15A NCAC 10H .0905
<u>Records</u> Amend*	15A NCAC 10H .0906
<u>Wildlife Control Agent License Renewal and Revocation</u> Amend*	15A NCAC 10H .1505
<u>Wildlife Control Technician Certification and Eligibility...</u> Amend*	15A NCAC 10H .1510
<u>Field Trials</u> Adopt*	15A NCAC 10H .1701
<u>Dog Training</u> Adopt*	15A NCAC 10H .1702

PHARMACY, BOARD OF

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

<u>Extension of Period for Certain Members of the Armed Forces</u> Amend*	21 NCAC 46 .1613
--	------------------

BUILDING CODE COUNCIL

<u>2024 NC Plumbing Code</u> Amend*	Sections 702.1, 702.4, 1102.2, 1102.7
<u>2024 NC Fire Code</u> Amend*	231219 Item B-5
<u>2024 NC Fire Code/Exception to Applicability</u> Amend*	102.13, Exception 7
<u>2024 NC Fire Code</u> Amend*	Sections 202, 203, 608, 911, 3307, 5003 and Chapter 80
<u>2024 NC Fire Code/Mobile Food Preparation Vehicles</u> Amend*	105.5.32
<u>2024 NC Fire Code/Stability and Mobile Cooking Operations</u> Amend*	319.11.1, 319.11.13
<u>2024 NC Fire Code/Automatic Smoke Detection Systems</u> Amend*	907.2.3.1
<u>2024 NC Fire Code</u> Amend*	1010.2.14, 1010.2.14.4, 1010.2.1
<u>2024 NC Fire Code/Commercial, Industrial, Governmental or...</u> Amend*	5706.5.4.5
<u>2024 NC Existing Building Code</u> Amend*	Chapter 80 and NFPA 241
<u>2024 NC Existing Building Code</u> Amend*	231219 Item B-12

<u>2024 NC Existing Building Code/Scope</u> Amend*	101.2, Exception 2
<u>2024 NC Existing Building Code/Low-Rise Buildings, Except...</u> Amend*	803.2.1.2
<u>2017 and 2020 NC Electrical Code</u> Repeal*	231212 Item B-12
<u>2024 NC Building Code</u> Amend*	Section 1901, Chapter 35
<u>2024 Building Code/Toilet and Bathing Facilities, Excepti...</u> Amend*	1109.2
<u>2024 NC Building Code</u> Amend*	1010.2.14, 1010.2.14.4, 1010.2.1
<u>2024 NC Building Code/Automatic Smoke Detection Systems</u> Amend*	907.2.3.1
<u>2024 NC Building Code/Scope</u> Amend*	Sections 202, 307, 414
<u>2024 NC Building Code/Scope</u> Amend*	101.20 Exception 7 and 8
<u>2024 NC Building Code</u> Amend*	231219 Item B-3
<u>2024 NC Administrative Code and Policies</u> Amend*	Appendix H
<u>2024 NC Administrative Code and Policies</u> Amend*	Section 204.4.5.1
<u>2024 Administrative Codes and Policies</u> Amend*	Section 204.4.5