

NORTH CAROLINA REGISTER

VOLUME 40 • ISSUE 23 • Pages 1814 – 2004

June 1, 2026

I. IN ADDITION

DHHS - Notice of Application for Wastewater System	1814
Department of Labor -Notice of Application for Permanent Variance.....	1815 – 1831
North Carolina License and Theft Bureau - License Application	1832
Department of Labor - Public Notice.....	1833

II. PROPOSED RULES

Agriculture and Consumer Services, Department of

Plant Conservation Board	1834 – 1853
Agriculture, Board of.....	1853 – 1854

Health and Human Services, Department of

Medical Care Commission.....	1854 – 1855
Department.....	1855 – 1857
Public Health, Commission for	1857 – 1862

Justice, Department of

Criminal Justice Education and Training Standards Commission	1862 – 1899
--	-------------

Occupational Licensing Boards and Commissions

Refrigeration Examiners, Board of.....	1900 – 1902
--	-------------

III. TEMPORARY RULES

Insurance, Department of

Department.....	1901 – 1903
-----------------	-------------

Environmental Quality, Department of

Wildlife Resources Commission.....	1903 – 1904
------------------------------------	-------------

IV. APPROVED RULES..... 1905 – 1967

Health and Human Services, Department of

Medical Care Commission

Justice, Department of

Sheriffs' Education and Training Standards Commission

Public Safety, Department of

Alcoholic Beverage Control Commission

Private Protective Services Board

Security Systems Licensing Board

Environmental Quality, Department of

Environmental Management Commission

Coastal Resources Commission

Education, State Board of

Education, State Board of

Occupational Licensing Boards and Commissions

Optometry, Board of Examiners In

Engineers and Surveyors, Board of Examiners for

V. RULES REVIEW COMMISSION 1968 – 2004

PUBLISHED BY

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Julie B. Eddins, Publications Coordinator
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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.

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1711 New Hope Church Road

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Raleigh, North Carolina 27609

984-236-1947 FAX

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seth.ascher@oah.nc.gov

984-236-1934

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travis.wiggs@oah.nc.gov

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Christopher S. Miller, Commission Counsel

christopher.miller@oah.nc.gov

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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

Fiscal Research Division

Legislative Office Building

300 N. Salisbury Street, Suites 619 and 400

Raleigh, NC 27603-5925

Contact: Brian Matteson

brian.matteson@ncleg.gov

919-733-4910

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: Baxter Wells

bwells@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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

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/Latest date for public hearing	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
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

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 Human Resources 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.

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: American Manufacturing Company, Inc
PO Box 97
Elkwood, VA 22718

For: Modifications to the Innovative Approvals for the American Perc-Rite Drip Systems

Application by: Anua
PO Box 77457
Greensboro, NC 27417

For: Modifications to the Innovative Approval for Geoflow

Application by: Infiltrator Water Technologies, Inc
PO Box 768
Old Saybrook, CT 06475

For: Modifications to the Innovative Approvals for the Delta Drip Irrigation

Application by: E-Z Treat Company
PO Box 176
Haymarket, VA 20168

For: Modifications to the Innovative Approvals for the E-Z Drip Irrigation Systems

DHHS Contact: Wilson Mize
919-270-9665
Fax: 919-845-3973
wilson.mize@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, wilson.mize@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

**NOTICE OF FILING OF AN APPLICATION FOR PERMANENT VARIANCE
FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

The Commissioner of Labor of North Carolina (“Commissioner”) hereby gives notice that, in accordance with N.C. Gen. Stat. § 95-132(b), North Carolina Department of Natural and Cultural Resources (DNCR) has filed, and the Commissioner has received, an application for a permanent variance from certain Occupational Safety and Health (“OSH”) Standards. Pursuant to N.C. Gen. Stat. § 95-132(b)(1), affected employees shall be given notice of any application and be given the opportunity to participate in a hearing regarding the application for a variance.

Summary of the application: On March 16, 2026, DNCR applied to the Occupational Safety and Health Division (OSH) of the N.C. Department of Labor (NCDOL) for variances from 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.424(c)(4), 1910.424(c)(5), and 1910.422(c) which are part of the Occupational Safety and Health Standards for diving which have been incorporated by reference in 13 NCAC 07A .0301 and 13 NCAC 07F .0101. The applications are attached.

Section of the Act under which application was filed: N.C. Gen. Stat. § 95-132(b) for a Permanent Variance.

Interested Persons: All interested persons are invited to submit written data, views, or arguments regarding the application to Ashley Snyder, Rulemaking Coordinator, via United States mail at the following address: 1101 Mail Service Center, Raleigh, North Carolina 27699-1101 or via electronic mail at ashley.snyder@labor.nc.gov. Written data, views, or arguments submitted by interested persons shall include a reference to the specific variance request, the complete name(s) and contact information for the individual(s) submitting the information and must be received by **5:00 p.m. on June 23, 2026**.

Affected Employers and Employees: An affected employee means any employee who would be affected by the granting or the denial of a variance request or any one of their authorized representatives, such as a collective bargaining agent. Employers and employees affected by the application may request a hearing on the application by submitting a written request for hearing to Ashley Snyder, Rulemaking Coordinator, via United States mail at the following address: 1101 Mail Service Center, Raleigh, North Carolina 27699-1101 or via electronic mail at ashley.snyder@labor.nc.gov. In accordance with 13 NCAC 07A .0711, requests for hearing shall include: a concise statement of facts showing how the employer or employee would be affected by the relief applied for; a specification of any statement or representation in the application which is denied; a concise summary of the evidence that would be adduced in support of each denial; and any views or arguments on any issue of fact or law presented.

Complete requests for a hearing must be received by **5:00 p.m. on June 23, 2026**.

Permanent Variance Request

Mail to:

Commissioner of the Department of Labor
N.C. Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101

Email: ask.osh@labor.nc.gov

For Internal Use Only:

Date Application Received: 3/16/2026

- Permanent Variance Application #1
- Standard's section numbers:
 - 29 CFR 1910.430(d)(3)
 - 29 CFR 1910.430(d)(4)

Permanent Variance Application

1905.11(b)(1) - Applicant Name and Address:

**NC Dept of Natural and Cultural Resources
Thomas Whalen, Safety Director

109 E. Jones Street
MSC4603

Raleigh, NC 27699-4603**

1905.11(b)(2) - Address of the place or places of employment involved (If various locations, please describe):

There are four locations involved with this permanent variance request.

NC Aquarium on Roanoke Island
374 Airport Rd
Manteo, NC 27954

NC Aquarium at Pine Knoll Shores
1 Roosevelt Blvd
Atlantic Beach, NC 28512

NC Aquarium at Fort Fisher
900 Loggerhead Rd
Kure Beach, NC 28449

Jennette's Pier
7223 South Virginia Dare Trail

***Note:** The different color text represents Lead Assessor's non-substantive changes made to correct typos contained in the NCDOL variance application original template which did not affect the information provided by the employer*

Nags Head, NC 27959

1905.11(b)(3) - Provide a description of the conditions, practices, means, methods, operations, or processes used, or proposed to be used, by the applicant:

Background:

This application is to request a variance to the NCOSHA diving regulations for the North Carolina Aquariums (NCA). NCA is a Division within the NC Department of Natural & Cultural Resources and includes four locations. The mission of the aquariums is to inspire appreciation and conservation of our aquatic environments. The aquariums are accredited by the Association of Zoos and Aquariums (AZA) and hosts more than one million visitors per year. The aquariums have been open to the public since 1976.

Diving has long been a part of large public aquariums' routine operations and involves activities ranging from educational programs, aquarium maintenance, and animal husbandry. NCA is following the NCOSHA standards and regulations for diving and sees an opportunity to improve its efficiency and safety in some of its operations. While the current standards established decades ago still suit offshore commercial dive operations well, equipment improvements since the standards' inception can improve diver operations in aquarium settings without sacrificing safety. Aquarium diving can be viewed as a type of professional diving where many of the diving hazards seen in nature are removed. For example, aquarium diving is not exposed to strong currents, excessive depths, and extreme temperature ranges.

For this reason, NCA respectfully submits the following application for a variance of regulation which we believe will meet the intent of the current standard/s, and provide as much protection or even greater protection than the current standard:

- 29 CFR 1910.430(d) – modify the Buoyancy Compensator requirement to meet modern equipment standards now commonly used

1905.11(b)(4) - Provide a statement regarding how the conditions, practices, means, methods, operations, or processes used, or proposed to be used, would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought:

OSHA Standards Regarding Buoyancy Compensators and Inflatable Flotation Devices:

29 CFR 1910.430(d)(3): A buoyancy compensator used for SCUBA diving must have an inflation source separate from the breathing-gas supply.

DNCR proposed alternate to 29 CFR 1910.430(d)(3): When used for SCUBA diving, a buoyancy compensator shall be capable of being inflated orally and via the diver's primary breathing gas supply

29 CFR 1910.430(d)(4): An inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving.

DNCR proposed alternate to 29 CFR 1910.430(d)(4): All NCA divers will utilize an inflatable flotation device capable of maintaining the diver at the surface in a positively buoyant state, having a manually activated inflation source, an oral inflation device and an exhaust valve while SCUBA diving.

Justification for Variance:

Buoyancy Compensators (BCs) with an inflation source separate from the breathing gas supply have not been in common use for many years. Common practice is for BCs to be able to inflate using a small amount of the breathing gas the diver uses. For the relatively shallow dives done by our divers, this procedure does not affect the diver's air supply significantly. All divers are trained in this procedure, and to deviate from it would increase the chance of mistakes and add risk unnecessarily to the dive.

Floating a diver in the face-up position is an idea borrowed from personal floatation devices (PFDs). A diver's BC has evolved over the years to be a tool that is more than an emergency floatation device, it is used by the diver throughout the dive to achieve all states of buoyancy: negative (sinking), neutral, and positive (floating). Most modern BCs are designed to permit this use and the task of floating an unconscious diver in the face up position has moved from the BC to the diver's buddy. (A conscious diver is trained to position himself/herself in the face-up position if so desired.)

In the past, BCs most often met this requirement using a CO2 cartridge with an emergency valve activated by a pull cord. BCs with emergency inflation CO2 cartridges are effectively obsolete. The valves proved unreliable and more often the pull cord was snagged by

accident, sending the diver to the surface at a dangerous speed. Modern BCs are equipped with a manual inflation valve which allows the diver to control the amount of air from his/her breathing gas supply. This procedure allows for more controlled inflation and does not significantly affect the diver's air supply. Once again, all divers are trained in this procedure and to deviate from it would increase the chance of error and add risk unnecessarily to the dive.

Rationale for how the alternate standard is as safe or safer is supported by OSHA's approved variance of NOAA's Alternate Standard on Diving in September 2014 and approval of Jardon and Howard Technologies Incorporated variance in August of 2017.

1905.11(b)(5) - Provide a certification that you have informed your employees of the application (Initial each statement below and then sign the certification statement):

PM 1905.11(b)(5)(i) - A copy provided to employees' authorized representative;

PM 1905.11(b)(5)(ii) - Posted a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (**Note: In lieu of the summary, the application can also be posted**); **and**

PM 1905.11(b)(5)(iii) - By other appropriate means that you informed employees of the variance application (i.e., email, meetings).

Describe how you complied with (b)(5)(i) – (iii) above:

A memorandum has been posted at all four sites, in a conspicuous place where important employee announcement and information is posted. The memorandum describes the OSHA standards a permanent variance request is being requested, how to obtain a copy of the permanent variance requests, and how to petition for a hearing. The memorandum has also been posted at the DNCR central human resource and safety office where federal and state required postings are publicly posted.

In addition, this variance request has been in discussion with our Dive Safety Board for more than 3 years.

The memorandum has also been posted at the DNCR central human resource and safety office at:

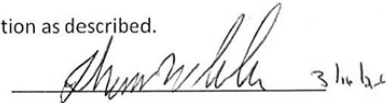
NC Dept of Natural and Cultural Resources
109 E. Jones Street
MSC4603
Raleigh, NC 27699-4603

where federal and state required postings are publicly posted.

I certify that I have informed employees of the variance application as described.

Thomas Whalen

Print Name



Signature

1905.11(b)(6) - Have you requested a hearing (as provided in 13 NCAC 07A .0711- Requests for hearing on applications)?

No

1905.11(b)(7) - Describe how you informed the employees of the application and of their right to petition the NC Commissioner of Labor (Assistant Secretary) for a hearing (i.e., email, posting, meetings).

A memorandum has been posted at all four sites, in a conspicuous place where important employee announcements and information is posted. The memorandum describes the OSHA standards a permanent variance request is being requested, how to obtain a copy of the permanent variance requests, and how to petition for a hearing.

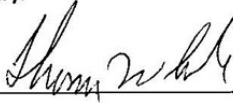
1905.11(b)(8) - Is this variance being requested for other State(s) in addition to North Carolina?

No

Variance Application completed by:

Thomas Whalen

Print Name



Signature

Thomas.whelen@dncr.nc.gov

Email Address

919-622-8219

Phone Number

3/14/26

Date

Permanent Variance Request

Mail to:

Commissioner of the Department of Labor
N.C. Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101

Email: ask.osh@labor.nc.gov

For Internal Use Only:

Date Application Received: 3/16/2026

- Permanent Variance Application #2
- Standard's section numbers:
 - 29 CFR 1910.424(c)(4)
 - 29 CFR 1910.424(c)(5)

Permanent Variance Application

1905.11(b)(1) - Applicant Name and Address:

NC Dept of Natural and Cultural Resources
Thomas Whalen, Safety Director

109 E. Jones Street
MSC4603

Raleigh, NC 27699-4603

1905.11(b)(2) - Address of the place or places of employment involved (If various locations, please describe):

There are four locations involved with this permanent variance request.

NC Aquarium on Roanoke Island
374 Airport Rd
Manteo, NC 27954

NC Aquarium at Pine Knoll Shores
1 Roosevelt Blvd
Atlantic Beach, NC 28512

NC Aquarium at Fort Fisher
900 Loggerhead Rd
Kure Beach, NC 28449

Jennette's Pier
7223 South Virginia Dare Trail
Nags Head, NC 27959

Note: The different color text represents Lead Assessor's non-substantive changes made to correct typos contained in the NCDOL variance application original template which did not affect the information provided by the employer

1905.11(b)(3) - Provide a description of the conditions, practices, means, methods, operations, or processes used, or proposed to be used, by the applicant:

Background:

This application is to request a variance to the NCOSHA diving regulations for the North Carolina Aquariums (NCA). NCA is a Division within the NC Department of Natural & Cultural Resources and includes four locations. The mission of the aquariums is to inspire appreciation and conservation of our aquatic environments. The aquariums are accredited by the Association of Zoos and Aquariums (AZA) and hosts more than one million visitors per year. The aquariums have been open to the public since 1976.

Diving has long been a part of large public aquariums' routine operations and involves activities ranging from educational programs, aquarium maintenance, and animal husbandry. NCA is following the NCOSHA standards and regulations for diving and sees an opportunity to improve its efficiency and safety in some of its operations. While the current standards established decades ago still suit offshore commercial dive operations well, equipment improvements since the standards' inception can improve diver operations in aquarium settings without sacrificing safety. Aquarium diving can be viewed as a type of professional diving where many of the diving hazards seen in nature are removed. For example, aquarium diving is not exposed to strong currents, excessive depths, and extreme temperature ranges.

For this reason, NCA respectfully submits the following application for a variance of regulation which we believe will meet the intent of the current standard/s, and provide as much protection or even greater protection than the current standard:

- 29 CFR 1910.424(c)(4) – a clarification which would permit NCA divers to use an approved independent reserve cylinder of air which does not have an on/off valve

1905.11(b)(4) - Provide a statement regarding how the conditions, practices, means, methods, operations, or processes used, or proposed to be used, would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought:

OSHA Standard Regarding Reserve Air Supply:

29 CFR 1910.424(c)(4) and (c)(5): Each SCUBA diver is required to have: (1) a diver-carried reserve breathing-gas supply that consists of a manual reserve (J-valve), or (2) an independent reserve cylinder that has a separate regulator or that is connected to the underwater breathing apparatus (see 29 CFR 1910.424(c)(4)). The valve of the reserve breathing-gas supply must be in the closed position prior to the dive (see 29 CFR 1910.424(c)(5)) to ensure that the air reserve will not be depleted inadvertently during the dive.

DNCR proposed alternate to 29 CFR 1910.424(c)(4) and (c)(5): All NCA divers will carry a Spare Air® bottle, or equivalent device, that is used according to the manufacturer's instructions, and is sufficient as an independent reserve cylinder provided it meets the emergency air volume requirements for the dive profile. Examples of the bottle or equivalent device attaching positively to the diver are a tether, holster, strap or other manufacturers methods.

NOTE: Spare Air® is the trade name for a small, high-pressure air bottle with an attached breathing regulator that is designed for use as an emergency-air source.

Justification for Variance:

As a standard product, the Spare Air® bottle does not have a hand-operated valve that opens and closes the air supply. Although the company has produced special bottles in the past with this modification, the company has indicated a reluctance to continue to provide a special-order product with a hand-operated valve. The standard demand valve that is normally supplied has proven to be very reliable and is preferable in that air is delivered when a diver inhales during an out-of-air emergency. There is not an additional step of turning on a valve by hand for the diver, potentially complicating the emergency.

Note: DNCR is looking for clarification that we can use this device even though it does not have a valve to "open" or "close".

1905.11(b)(5) - Provide a certification that you have informed your employees of the application (Initial each statement below and then sign the certification statement):

1/1 **1905.11(b)(5)(i)** - A copy provided to employees' authorized representative;

GM **1905.11(b)(5)(ii)** - Posted a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (**Note: In lieu of the summary, the application can also be posted**); and

GM **1905.11(b)(5)(iii)** - By other appropriate means that you informed employees of the variance application (i.e., email, meetings).

Describe how you complied with (b)(5)(i) – (iii) above:

A memorandum has been posted at all four sites, in a conspicuous place where important employee announcement and information is posted. The memorandum describes the OSHA standards a permanent variance request is being requested, how to obtain a copy of the permanent variance requests, and how to petition for a hearing. The memorandum has also been posted at the DNCR central human resource and safety office where federal and state required postings are publicly posted.

The memorandum has also been posted at the DNCR central human resource and safety office at:

NC Dept of Natural and Cultural Resources

**109 E. Jones Street
MSC4603**

Raleigh, NC 27699-4603

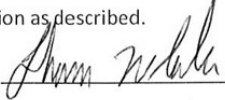
where federal and state required postings are publicly posted.

In addition, this variance request has been in discussion with our Dive Safety Board for more than 3 years

I certify that I have informed employees of the variance application as described.

Thomas Whalen

Print Name

 3/16/25

Signature

1905.11(b)(6) - Have you requested a hearing (as provided in 13 NCAC 07A .0711- Requests for hearing on applications)?

No

1905.11(b)(7) - Describe how you informed the employees of the application and of their right to petition the NC Commissioner of Labor (Assistant Secretary) for a hearing (i.e., email, posting, meetings).

A memorandum has been posted at all four sites, in a conspicuous place where important employee announcements and information is posted. The memorandum describes the OSHA standards a permanent variance request is being requested, how to obtain a copy of the permanent variance requests, and how to petition for a hearing.

1905.11(b)(8) - Is this variance being requested for other State(s) in addition to North Carolina?

No If no, you may skip this question.

Variance Application completed by:

Thomas Whalen

Print Name



Signature

Thomas.whalen@dncr.nc.gov

Email Address

919-622-8219

Phone Number

3/14/26

Date

Variance Request

Mail to:

*Commissioner of the Department of Labor
N.C. Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101*

Email: ask.osh@labor.nc.gov

For Internal Use Only:

Date Application Received: 3/16/2026

- Permanent Variance Application #3
- Standard's section number:
 - 29 CFR 1910.422(c)

Permanent Variance Application

1905.11(b)(1) - Applicant Name and Address:

**NC Dept of Natural and Cultural Resources
Thomas Whalen, Safety Director

109 E. Jones Street
MSC4603

Raleigh, NC 27699-4603**

1905.11(b)(2) - Address of the place or places of employment involved (If various locations, please describe):

There are four locations involved with this permanent variance request.

NC Aquarium on Roanoke Island
374 Airport Rd
Manteo, NC 27954

NC Aquarium at Pine Knoll Shores
1 Roosevelt Blvd
Atlantic Beach, NC 28512

NC Aquarium at Fort Fisher
900 Loggerhead Rd
Kure Beach, NC 28449

Jennette's Pier
7223 South Virginia Dare Trail
Nags Head, NC 27959

Note: The different color text represents Lead Assessor's non-substantive changes made to correct typos contained in the NCDOL variance application original template which did not affect the information provided by the employer

1905.11(b)(3) - Provide a description of the conditions, practices, means, methods, operations, or processes used, or proposed to be used, by the applicant:

Background:

This application is to request a variance to the NIOSH diving regulations for the North Carolina Aquariums (NCA). NCA is a Division within the NC Department of Natural & Cultural Resources and includes four locations. The mission of the aquariums is to inspire appreciation and conservation of our aquatic environments. The aquariums are accredited by the Association of Zoos and Aquariums (AZA) and hosts more than one million visitors per year. The aquariums have been open to the public since 1976.

Diving has long been a part of large public aquariums' routine operations and involves activities ranging from educational programs, aquarium maintenance, and animal husbandry. NCA is following the NIOSH standards and regulations for diving and sees an opportunity to improve its efficiency and safety in some of its operations. While the current standards established decades ago still suit offshore commercial dive operations well, equipment improvements since the standards' inception can improve diver operations in aquarium settings without sacrificing safety. Aquarium diving can be viewed as a type of professional diving where many of the diving hazards seen in nature are removed. For example, aquarium diving is not exposed to strong currents, excessive depths, and extreme temperature ranges.

For this reason, NCA respectfully submits the following application for a variance of regulation which we believe will meet the intent of the current standard/s, and provide as much protection or even greater protection than the current standard:

- 29 CFR 1910.422(c) - Communications – modify the communications requirement in surface supplied diving for diving in an aquarium where the tender can readily see the diver.

1905.11(b)(4) - Provide a statement regarding how the conditions, practices, means, methods, operations, or processes used, or proposed to be used, would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought:

OSHA Standard Regarding Communications:

29 CFR 1910.422(c). (1) An operational two-way voice communication system shall be used between: (i) Each surface-supplied air or mixed-gas diver and a dive team member at the dive location or bell (when provided or required); and (ii) The bell and the dive location. (2) An operational, two-way communication system shall be available at the dive location to obtain emergency assistance.

DNCR proposed alternate to 29 CFR 1910.422(c): To permit the use of hand-signals, surface face-to-face communication and or line pulls provide a reliable and safe means of communication between the tender and the diver in the water when diving in aquarium environments.


Justification for Variance:

Aquarium diving is a controlled environment and not as rigorous as deeper commercial dives. Hazards such as extreme depths and temperatures, and strong currents, are not experienced in aquarium dives. Aquarium divers can be observed from the surface or through the aquarium viewing glass. Hand signals, surface face-to-face communication, and line pulls provide a reliable and safe means of communication between the tender and the diver in the water. In addition, since the aquariums are not deeper than 23 feet deep, a diver can easily move to the surface if any problems arise.

In addition, the tasks performed by an aquarium diver are less physically demanding than an offshore commercial diver. Commercial divers may be required to build and repair structures underwater, and involve tasks such as welding, heavy lifting with hoists and airlift bags, and operate a wide variety of power tools. An aquarium diver's tasks typically are limited to scrubbing algae, inspecting the aquarium components, observing the animals' behavior, retrieving objects, and occasional capture of animals for veterinary examinations.

For these reasons, we request a variance on the regulation that requires an operational two-way voice communication system because hand-signals, surface face-to-face communication and or line pulls provide a reliable and safe means of communication between the tender and the diver in the water.

1905.11(b)(5) - Provide a certification that you have informed your employees of the application (Initial each statement below and then sign the certification statement):

 1905.11(b)(5)(i) - A copy provided to employees' authorized representative;

W 1905.11(b)(5)(ii) - Posted a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (*Note: In lieu of the summary, the application can also be posted*); **and**

W 1905.11(b)(5)(iii) - By other appropriate means that you informed employees of the variance application (i.e., email, meetings).

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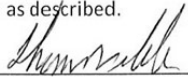
where federal and state required postings are publicly posted.

In addition, this variance request has been in discussion with our Dive Safety Board for more than 3 years

I certify that I have informed employees of the variance application as described.

Thomas Whalen

Print Name

 3/16/24

Signature

1905.11(b)(6) - Have you requested a hearing (as provided in 13 NCAC 07A .0711– Requests for hearing on applications)?

No

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1905.11(b)(8) - Is this variance being requested for other State(s) in addition to North Carolina?

No

Variance Application completed by:

Thomas Whalen

Print Name



Signature

Thomas.whalen@dncr.nc.gov

Email Address

919-622-8219

Phone Number

3/16/20

Date

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: Textron E-Z-Go LLC
Applicant's Address: 1451 Marvin Griffin Rd
 Augusta, GA 30906
Application Date: April 30, 2026

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

Adam Harris, Sr. Vice President & General Manager
Richard Plunkett, Vice President - Finance
Rocco Sica, Vice President & General Counsel

**North Carolina Department of Labor
Occupational Safety and Health Division**

Public Notice

This serves as notice to the public of an increase in the civil penalties issued by the Occupational Safety and Health Division of the North Carolina Department of Labor (“NCDOL”).

NCDOL administers the Occupational Safety and Health Act of North Carolina (“OSH Act”); the OSH program is a federally approved state plan program. State plan programs are required by the federal Occupational Safety and Health Administration (“OSHA”) to adopt maximum penalty levels for violations of the OSH Act, which must be at least as effective as the federal OSHA program.

Penalties for violations of the North Carolina OSH Act are established pursuant to N.C. Gen. Stat. § 95-138 of Chapter 95, Article 16. Specifically, N.C. Gen. Stat. § 95-138(a1) requires the Commissioner to publish the civil penalties in the North Carolina Register.

This serves as public notice pursuant to N.C. Gen. Stat. § 95-138 and 13 NCAC 07A .0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations of an increase in Occupational Safety and Health civil penalties pursuant to a change in the U.S. Consumer Price Index for All Urban Consumers. **The increased penalty levels apply to any penalties assessed by NCDOL pursuant to the OSH Act on or after June 1, 2026.**

The NCDOL Occupational Safety and Health Division’s minimum penalties for serious and other-than-serious violations will increase from \$750 per violation to \$1,250 per violation.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. 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 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Plant Conservation Board intends to amend the rule cited as 02 NCAC 48F .0301.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncagr.gov/divisions/legal-affairs/legal-affairs-rules>

Proposed Effective Date: October 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than June 6th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

Reason for Proposed Action: *Revisions are a part of the Plant Conservation Board's responsibilities under G.S. 106-202.15. The list is updated every 5 years, to make sure that it incorporates recent monitoring data, taxonomic changes, and any changes to federally listed species. This regular review process also ensures that listed rank (endangered, threatened, special concern – vulnerable, and special concern – historical) reflects the most recent data on the status of listed species. Regular review also ensures that species can be removed from the list if their status has changed enough to no longer warrant protection, and to ensure that any species that have become imperiled enough since the last review to warrant listing can be listed before they become extirpated in our state.*

Comments may be submitted to: Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (919) 745-9356; email anna.hayworth@ncagr.gov

Comment period ends: July 31, 2026

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 48 - PLANT INDUSTRY

SUBCHAPTER 48F - PLANT CONSERVATION

SECTION .0300 - ENDANGERED PLANT SPECIES LIST: THREATENED PLANT SPECIES LIST: LIST OF SPECIES OF SPECIAL CONCERN

02 NCAC 48F .0301 PROTECTED PLANT SPECIES LIST

The North Carolina Plant Conservation Board hereby establishes the following list of protected plant species (** indicates federally listed):

Species	Status
(1) <u>Acanthohecis paucispora</u>	<u>Threatened</u>
(1)(2) <u>A script lichen;</u>	
(2) Acmispon helleri	Threatened
(2)(3) Carolina Prairie-trefoil;	
(2)(3) Acrobolbus ciliatus	Special Concern, Vulnerable
A liverwort;	
(3)(4) Adiantum capillus-veneris	Threatened
Venus Hair Fern;	

PROPOSED RULES

(4)(5)	Adlumia fungosa Climbing Fumitory;	Special Concern, Vulnerable
(5)(6)	Aeschynomene virginica** Sensitive Jointvetch;	Threatened
(6)(7)	Agalinis virgata Branched Gerardia;	Threatened <u>Special Concern, Vulnerable</u>
(8)	<u>Agastache nepetoides</u> <u>Yellow Giant-hyssop;</u>	<u>Threatened</u>
(7)(9)	Agrostis mertensii Arctic Bentgrass;	Endangered <u>Special Concern, Historical</u>
(8)(10)	Aletris lutea Yellow Colic-root;	Threatened
(9)	Allium allegheniense Allegheny Onion;	Special Concern, Vulnerable
(10)	Allium keeverae Keever's Onion;	Special Concern, Vulnerable
(11)	Alnus crispa Green Alder;	Special Concern, Vulnerable
(12)	Amaranthus pumilus** Seabeach Amaranth;	Threatened
(13)	Amorpha confusa Savanna Indigo-bush;	Threatened
(14)	Amorpha georgiana Georgia Indigo-bush;	Endangered
(15)	Amphicarpum muhlenbergianum Florida Goober Grass, Blue Maidencane;	Endangered
(16)	Anemone berlandieri Southern Anemone;	Endangered
(17)	Anemone caroliniana Prairie Anemone;	Endangered
(18)	<u>Anticlea glauca</u> <u>Mountain Death-camas;</u>	<u>Endangered</u>
(18)(19)	Arabis adpressipilis Hairy Rockcress;	Endangered
(20)	<u>Arabis patens</u> <u>Spreading Rockcress;</u>	<u>Endangered</u>
(19)(21)	Arethusa bulbosa Bog Rose;	Endangered
(20)(22)	Aristida condensata Big Three-awn Grass;	Threatened
(21)(23)	Aristida simpliciflora Chapman's Three-awn;	Endangered
(22)(24)	Arnoglossum ovatum var. lanceolatum Savanna Indian-plantain;	Endangered
(25)	<u>Arthonia cupressina</u> <u>Golden Spruce Dots;</u>	<u>Threatened</u>
(23)(26)	Asclepias cinerea Carolina Milkweed;	Special Concern, Historical
(24)(27)	Asclepias pedicellata Savanna Milkweed;	Special Concern, Vulnerable
(28)	<u>Asplenium bradleyi</u> <u>Bradley's Spleenwort;</u>	<u>Threatened</u>
(25)(29)	Asplenium heteroresiliens Carolina Spleenwort;	Endangered
(26)(30)	Asplenium monanthes Single-sorus Spleenwort;	Endangered
(27)(31)	Asplenium ruta-muraria var. <u>lanceolum</u> eryptolepis American Wall-rue;	Special Concern, Vulnerable
(28)(32)	Astragalus michauxii	Special Concern, Vulnerable

PROPOSED RULES

Sandhills Milkvetch; (29)(33) <i>Baccharis glomeruliflora</i> Silverling;	Endangered
(30)(34) <i>Bacopa caroliniana</i> Blue Water-hyssop;	Threatened
(31)(35) <i>Bacopa innominata</i> Tropical Water-hyssop;	Special Concern, Historical
(32)(36) <i>Balduina atropurpurea</i> Purple-disk Honeycomb-head;	Endangered
(33)(37) <i>Baptisia aberrans</i> Eastern Prairie Blue Wild Indigo	Endangered
(34)(38) <i>Baptisia alba</i> Thick-pod White Wild Indigo;	Threatened
(35)(39) <i>Baptisia bracteata</i> Creamy Wild Indigo;	Special Concern, Historical
(36)(40) <i>Berberis canadensis</i> American Barberry;	Special Concern, Vulnerable <u>Threatened</u>
(37)(41) <i>Betula cordifolia</i> Mountain Paper Birch;	Special Concern, Vulnerable <u>Threatened</u>
(38)(42) <i>Bouteloua curtipendula</i> var. <i>curtipendula</i> Sideoats Grama;	Threatened
(39)(43) <i>Bromus ciliatus</i> Fringed Brome;	Special Concern, Vulnerable <u>Threatened</u>
(40)(44) <i>Buchnera americana</i> American Bluehearts;	Endangered
(41)(45) <i>Buckleya distichophylla</i> Piratebush;	Threatened
(42)(46) <i>Bulbostylis warei</i> Ware's Hair Sedge;	Special Concern, Historical
(43)(47) <i>Calamagrostis cainii</i> Cain's Reedgrass;	Endangered
(44)(48) <i>Calamagrostis canadensis</i> var. <i>canadensis</i> Canada Reedgrass;	Special Concern, Vulnerable
(45)(49) <i>Calopogon multiflorus</i> Many-flowered Grass-pink;	Endangered
(46)(50) <i>Caltha palustris</i> var. <i>palustris</i> Marsh Marigold;	Endangered
(47)(51) <i>Camassia scilloides</i> Wild Hyacinth;	Threatened
(48)(52) <i>Campanula rotundifolia</i> <u><i>intercedens</i></u> Bluebells;	Endangered
(49)(53) <i>Campylium stellatum</i> Yellow Starry Fen Moss;	Special Concern, Vulnerable
(50) <i>Cardamine dissecta</i> Dissected Toothwort;	Special Concern, Vulnerable
(51)(54) <i>Cardamine longii</i> Long's Bittercress;	Special Concern, Vulnerable
(52)(55) <i>Cardamine micranthera</i> ** Small-anthered Bittercress;	Endangered
(56) <u><i>Carex aquatilis</i> var. <i>substricta</i></u> <u>Aquatic Sedge;</u>	<u>Threatened</u>
(53)(57) <i>Carex arctata</i> Black Sedge;	Special Concern, Vulnerable
(54)(58) <i>Carex argyrantha</i> Hay Sedge;	Endangered
(55)(59) <i>Carex barrattii</i> Barratt's Sedge;	Special Concern, Historical <u>Threatened</u>
(56)(60) <i>Carex basiantha</i> Widow Sedge;	Endangered

PROPOSED RULES

(57)(61) <i>Carex buxbaumii</i> Brown Bog Sedge;	Special Concern, Vulnerable
(58)(62) <i>Carex calcifugens</i> Calcium-fleeing Sedge;	Special Concern, Vulnerable
(59)(63) <i>Carex careyana</i> Carey's Sedge;	Threatened
(60)(64) <i>Carex cherokeensis</i> Cherokee Sedge;	Threatened
(61)(65) <i>Carex conoidea</i> Cone-shaped Sedge, Field Sedge;	Threatened
(62)(66) <i>Carex cristatella</i> Crested Sedge;	Special Concern, Vulnerable
(63)(67) <i>Carex eburnea</i> Bristle-leaf Sedge;	Threatened <u>Special Concern, Historical</u>
(64)(68) <i>Carex exilis</i> Coastal Sedge;	Endangered
(69) <u><i>Carex godfreyi</i></u> <u>Godfrey's Sedge;</u>	<u>Special Concern, Vulnerable</u>
(65)(70) <i>Carex hormathodes</i> Marsh Straw Sedge;	Threatened <u>Special Concern, Historical</u>
(66)(71) <i>Carex impressinervia</i> Ravine Sedge;	Special Concern, Vulnerable
(67)(72) <i>Carex jamesii</i> James's Sedge;	Special Concern, Vulnerable
(68)(73) <i>Carex lasiocarpa</i> var. <i>americana</i> Slender Sedge;	Special Concern, Vulnerable <u>Historical</u>
(69)(74) <i>Carex lutea</i> ** Golden Sedge;	Endangered
(70)(75) <i>Carex meadii</i> Mead's Sedge;	Endangered
(71)(76) <i>Carex oligocarpa</i> Rich-woods Sedge;	Threatened
(72)(77) <i>Carex oligosperma</i> Few-seeded Sedge;	Endangered
(78) <u><i>Carex pellita</i></u> <u>Woolly Sedge;</u>	<u>Endangered</u>
(73)(79) <i>Carex pedunculata</i> var. <i>pedunculata</i> Longstalk Sedge;	Special Concern, Vulnerable
(74)(80) <i>Carex radfordii</i> Radford's Sedge;	Threatened <u>Special Concern, Vulnerable</u>
(75)(81) <i>Carex reniformis</i> Kidney Sedge;	Threatened <u>Special Concern, Vulnerable</u>
(76)(82) <i>Carex superata</i> Limestone Forest Sedge;	Threatened
(77)(83) <i>Carex tenax</i> Wire Sedge;	Endangered
(78) <i>Carex trichocarpa</i> Hairy fruited Sedge;	Special Concern, Vulnerable
(79)(84) <i>Carex trisperma</i> Three-seeded Sedge;	Endangered
(80)(85) <i>Carex utriculata</i> Beaked Sedge;	Endangered
(81)(86) <i>Carex vesicaria</i> Inflated Sedge;	Endangered
(82)(87) <i>Carex vestita</i> Velvet Sedge;	Threatened
(83)(88) <i>Carya laciniosa</i> Big Shellbark Hickory;	Threatened
(84)(89) <i>Carya myristiciformis</i>	Endangered

Nutmeg Hickory; (85) <u>(90)</u> <i>Caulophyllum giganteum</i>	Special Concern, Vulnerable
Northern Blue Cohosh; (86) <u>(91)</u> <i>Celastrus scandens</i>	Endangered
American Bittersweet; (87) <u>(92)</u> <i>Cetraria arenaria</i>	Special Concern, Vulnerable
Sand-loving Iceland Lichen; (88) <u>(93)</u> <i>Chamerion angustifolium</i> ssp. <i>circumvagum</i> Fireweed;	Endangered
(89) <u>(94)</u> <i>Chasmanthium nitidum</i>	Threatened
Shiny Spanglegrass; (90) <u>(95)</u> <i>Chelone cuthbertii</i>	Special Concern, Vulnerable
Cuthbert's Turtlehead; (91) <u>(96)</u> <i>Chenopodium simplex</i>	Threatened
Mapleleaf Goosefoot; (92) <i>Chiloscyphus appalachianus</i>	Special Concern, Vulnerable
A liverwort; (93) <u>(97)</u> <i>Chiloscyphus muricatus</i>	Special Concern, Vulnerable
A liverwort; (94) <u>(98)</u> <i>Chrysoma pauciflosculosa</i>	Endangered
Woody Goldenrod; (95) <u>(99)</u> <i>Cirsium carolinianum</i>	Endangered
Carolina Thistle; (96) <u>(100)</u> <i>Cirsium lecontei</i>	Special Concern, Vulnerable
LeConte's Thistle; (97) <u>(101)</u> <i>Clematis occidentalis</i> var. <i>occidentalis</i>	Special Concern, Vulnerable
Mountain Clematis; (98) <u>(102)</u> <i>Clinopodium georgianum</i>	Endangered
Georgia Calamint; (99) <u>(103)</u> <i>Collinsonia verticillata</i>	Threatened <u>Special Concern, Vulnerable</u>
Whorled Horsebalm; (104) <i>Coniarthonia kermesina</i>	<u>Threatened</u>
Hot Dots Lichen; (100) <u>(105)</u> <i>Conioselinum chinense</i>	Threatened
Hemlock-parsley; (101) <u>(106)</u> <i>Coptis trifolia</i>	Threatened
Goldthread; (107) <i>Corallorhiza maculata</i> var. <i>maculata</i>	<u>Special Concern, Vulnerable</u>
Eastern Spotted Coralroot; (102) <u>(108)</u> <i>Coreopsis aristulata</i>	Threatened
Short-awned Coreopsis; (109) <i>Coreopsis grandiflora</i> var. <i>grandiflora</i>	<u>Special Concern, Vulnerable</u>
Large-flowered Coreopsis; (110) <i>Coreopsis palustris</i>	<u>Threatened</u>
Beadle's Coreopsis; (103) <u>(111)</u> <i>Corydalis micrantha</i>	Threatened
Slender Corydalis; (104) <u>(112)</u> <i>Coryphopteris simulata</i>	Endangered
Bog Fern; (105) <u>(113)</u> <i>Crataegus pallens</i>	Threatened
Pale Hawthorn; (106) <u>(114)</u> <i>Crinum americanum</i> var. <i>americanum</i>	Special Concern, Historical
Swamp-lily; (107) <u>(115)</u> <i>Crocianthemum bicknellii</i>	Special Concern, Vulnerable <u>Threatened</u>
Plains Sunrose; (108) <u>(116)</u> <i>Crocianthemum carolinianum</i>	Endangered <u>Threatened</u>
Carolina Sunrose; (109) <u>(117)</u> <i>Crocianthemum corymbosum</i>	Threatened
Pinebarren Sunrose;	

PROPOSED RULES

(118) Crocanthemum georgianum Georgia Sunrose;	Endangered <u>Threatened</u>
(119) Crocanthemum nashii Florida Scrub Sunrose, Florida Scrub Frostweed;	Endangered
(120) Crocanthemum propinquum Creeping Sunrose;	Threatened <u>Special Concern, Vulnerable</u>
(121) Crocanthemum rosmarinifolium Rosemary Sunrose;	Threatened
(122) Croton monanthogynus Prairie-tea Croton;	Endangered
(123) Cyperus dentatus Toothed Flatsedge;	Special Concern, Historical
(124) Cyperus granitophilus Granite Flatsedge;	Threatened <u>Endangered</u>
(125) Cyperus lecontei LeConte's Flatsedge;	Threatened
(126) Cyperus subsquarrosus Small-flowered Halfchaff;	Special Concern, Historical <u>Threatened</u>
(127) Cyperus tetragonus Four-angled Flatsedge;	Special Concern, Vulnerable <u>Threatened</u>
(128) Cyperus virens Greens Flatsedge;	Special Concern, Vulnerable <u>Threatened</u>
(129) Cystopteris tennesseeensis Tennessee Bladder-fern;	Endangered
(130) Dactylorhiza viridis Long-bracted Frog Orchid;	Threatened
(131) Dalibarda repens Robin Runaway;	Endangered
(132) Delphinium exaltatum Tall Larkspur;	Threatened <u>Endangered</u>
(133) Deschampsia cespitosa ssp. glauca Tufted Hairgrass;	Threatened <u>Special Concern, Vulnerable</u>
(134) Desmodium ochroleucum White Tick-trefoil, Creamy Tick-trefoil;	Special Concern, Historical
(135) Desmodium sessilifolium Sessile Tick-trefoil;	Special Concern, Historical
(136) Diarrhena americana Eastern Beakgrass;	Threatened
(137) Dichantherium annulum Ringed Witchgrass;	Endangered <u>Threatened</u>
(138) Dichantherium caeruleascens Blue Witchgrass;	Threatened
(139) Dichantherium hirstii Hirst Brothers' Witchgrass;	Endangered
(140) Dichantherium spretum Eaton's Witchgrass;	Endangered
(141) Dichantherium strigosum var. glabrescens Hairless Witchgrass;	Threatened
(142) Diervilla rivularis Riverbank Bush-honeysuckle;	Threatened
(143) Dionaea muscipula Venus Flytrap;	Threatened
(144) Diplachne maritima Salt-meadow Grass;	Endangered
(145) Drosera filiformis var. filif \neq ormis Threadleaf Sundew;	Special Concern, Vulnerable
(146) Echinacea laevigata** Smooth Coneflower;	Endangered <u>Threatened</u>

PROPOSED RULES

(139)(147) Eleocharis cellulosa Gulfcoast Spikerush;	Threatened
(140)(148) Eleocharis elongata Florida Spikerush;	Endangered <u>Threatened</u>
(141)(149) Eleocharis parvula Dwarf Spikerush;	Threatened
(142)(150) Eleocharis robbinsii Robbins' Spikerush;	Special Concern, Vulnerable
(143)(151) Eleocharis vivipara Viviparous Spikerush;	Threatened
(152) <u>Eleocharis wolfii</u> <u>Wolf's Spikerush;</u>	<u>Special Concern, Vulnerable</u>
(144)(153) Elymus trachycaulus ssp. trachycaulus Slender Wheatgrass;	Threatened
(145)(154) Enemion biternatum Eastern Isopyrun;	Special Concern, Vulnerable
(146)(155) Epidendrum conopseum Green-fly Orchid;	Threatened
(147)(156) Erigenia bulbosa Harbinger-of-spring;	Threatened
(148)(157) Eriocaulon aquaticum Seven-angled Pipewort;	Special Concern, Vulnerable <u>Threatened</u>
(149)(158) Eriocaulon parkeri Estuary Pipewort;	Threatened <u>Special Concern, Historical</u>
(150)(159) Eriocaulon texense Texas Hatpins;	Endangered
(151)(160) Eriogonum tomentosum Southern Wild-buckwheat	Special Concern, Historical
(152)(161) Erythrina herbacea Coralbean;	Endangered
(153)(162) Eupatorium leptophyllum Limesink Dog-fennel;	Endangered
(154)(163) Eupatorium paludicola Bay Boneset;	Endangered
(155)(164) Euphorbia commutata Cliff Spurge;	Threatened
(156)(165) Euphorbia cordifolia Heartleaf Sandmat;	Threatened
(157)(166) Euphorbia mercurialina Cumberland Spurge;	Special Concern, Vulnerable
(158)(167) Filipendula rubra Queen-of-the-Prairie;	Endangered
(159)(168) Fimbristylis perpusilla Harper's Fimbry;	Threatened
(160)(169) Gaillardia aestivalis var. aestivalis Sandhills Blanket-flower;	Endangered
(161)(170) Galactia mollis Soft Milk-pea;	Threatened
(162)(171) Gaylussacia brachycera Box Huckleberry;	Endangered
(163)(172) Gaylussacia nana Dwarf Dangleberry;	Endangered
(164)(173) Gaylussacia orocola Appalachian Dwarf Huckleberry;	Endangered
(165)(174) Gelsemium rankinii Swamp Jessamine;	Special Concern, Vulnerable
(166)(175) Gentiana alba <u>flavida</u> Pale Gentian;	Special Concern, Historical
(167)(176) Gentiana latidens	Threatened

PROPOSED RULES

	Balsalm Mountain Gentian;	
(168)	<u>(177) Gentianopsis crinita</u>	Endangered
	Eastern Fringed Gentian;	
(178)	<u>Geocarpon groenlandicum</u>	<u>Threatened</u>
	<u>Greenland Sandwort;</u>	
(179)	<u>Geocarpon uniflorum</u>	<u>Endangered</u>
	<u>Single-flowered Sandwort;</u>	
(169)	<u>(180) Geum aleppicum</u>	Endangered
	Yellow Avens;	
(170)	<u>(181) Geum geniculatum</u>	Special Concern, Vulnerable
	Bent Avens;	
(171)	<u>(182) Geum laciniatum</u>	Endangered
	Rough Avens;	
(172)	<u>(183) Geum radiatum**</u>	Endangered
	Spreading Avens;	
(173)	<u>(184) Gillenia stipulata</u>	Threatened
	Indian Physic;	
(174)	<u>(185) Glyceria laxa</u>	Special Concern, Vulnerable
	Lax Mannagrass;	
(175)	<u>(186) Gratiola lutea</u>	Special Concern, Vulnerable
	Golden Hedge-hyssop;	
(187)	<u>Gratiola ramosa</u>	<u>Endangered</u>
	<u>Branched Hedge-hyssop;</u>	
(176)	<u>(188) Gymnocarpium appalachianum</u>	Threatened
	Appalachian Oak Fern;	
(177)	<u>(189) Gymnoderma lineare**</u>	Endangered
	Rock Gnome Lichen;	
(190)	<u>Hasteola suaveolens</u>	<u>Endangered</u>
	<u>Sweet Indian-plantain;</u>	
(178)	<u>(191) Harperella nodosa [Ptilimnium nodosum]**</u>	Endangered
	Harperella;	
(179)	<u>(192) Helanthium tenellum</u>	Endangered <u>Threatened</u>
	Dwarf Burhead;	
(180)	<u>(193) Helenium brevifolium</u>	Endangered
	Littleleaf Sneezeweed;	
(181)	<u>(194) Helenium vernale</u>	Endangered
	Spring Sneezeweed;	
(182)	<u>(195) Helianthus floridanus</u>	Threatened
	Florida Sunflower;	
(183)	<u>(196) Helianthus laevigatus</u>	Special Concern, Vulnerable
	Smooth Sunflower;	
(184)	<u>(197) Helianthus occidentalis ssp. occidentalis</u>	Special Concern, Historical
	Naked-stem Sunflower;	
(185)	<u>(198) Helianthus schweinitzii**</u>	Endangered
	Schweinitz's Sunflower;	
(199)	<u>Helianthus waccamawensis</u>	<u>Threatened</u>
	<u>Waccamaw Sunflower;</u>	
(186)	<u>(200) Helonias bullata**</u>	Threatened
	Swamp Pink;	
(201)	<u>Heterodermia erecta</u>	<u>Threatened</u>
	<u>A lichen;</u>	
(202)	<u>Heuchera parviflora var. saurensis</u>	<u>Special Concern, Vulnerable</u>
	<u>Sauratown Grotto Alumroot;</u>	
(187)	<u>(203) Hexastylis contracta</u>	Endangered
	Mountain Heartleaf;	
(188)	<u>(204) Hexastylis naniflora **</u>	Threatened
	Dwarf-flowered Heartleaf;	
(205)	<u>Hexastylis rosei</u>	<u>Special Concern, Vulnerable</u>
	<u>Rose's Heartleaf;</u>	

PROPOSED RULES

(189)(206) Hibiscus aculeatus Comfortroot;	Threatened
(190)(207) Hottonia inflata Featherfoil;	Special Concern, Vulnerable
(191)(208) Houstonia montana [Hedyotis purpurea var. montana]** Roan Mountain Bluet;	Endangered
(192)(209) Hudsonia montana** Mountain Golden-heather;	Threatened
(193)(210) Hudsonia tomentosa Sand Heather;	Threatened
(211) <u>Huperzia porophila</u> <u>Rock Firmoss;</u>	<u>Threatened</u>
(194)(212) Hydrastis canadensis Goldenseal;	Special Concern, Vulnerable
(195) Hymenocallis occidentalis var. occidentalis Special Concern, Historical Hillside Spider lily;	
(196)(213) Hymenocallis pygmaea Waccamaw River Spiderlily;	Special Concern, Vulnerable
(214) <u>Hymenophyllum tayloriae</u> <u>Gorge Filmy Fern;</u>	<u>Special Concern, Vulnerable</u>
(197)(215) Hypericum adpressum Bog St. John's-wort;	Special Concern, Historical
(198) Hypericum brachyphyllum Coastal Plain St. John's wort;	Special Concern, Vulnerable
(199)(216) Hypericum fasciculatum Peelbark St. John's-wort;	Endangered
(200)(217) Hypericum radfordiorum Radford's St. John's-wort;	Special Concern, Vulnerable
(201)(218) Hypericum suffruticosum Pineland St. John's-wort;	Special Concern, Historical
(202)(219) Hypotrachyna virginica Virginia Loop Lichen;	Special Concern, Vulnerable <u>Threatened</u>
(220) <u>Hypoxis juncea</u> <u>Fringed Stargrass;</u>	<u>Special Concern, Vulnerable</u>
(203)(221) Ilex collina Long-stalked Holly;	Special Concern, Vulnerable
(222) <u>Ilex longipes</u> <u>Georgia Holly;</u>	<u>Special Concern, Vulnerable</u>
(204)(223) Ipomoea imperati Beach Morning-glory;	Special Concern, Vulnerable
(205)(224) Ipomoea macrorhiza Manroot;	Special Concern, Historical
(206)(225) Isoetes microvela Thin-wall Quillwort;	Threatened
(207)(226) Isoetes piedmontana Piedmont Quillwort;	Threatened
(208)(227) Isotria medeoloides** Small Whorled Pogonia;	Threatened
(209)(228) Iva microcephala Small-headed Marsh Elder;	Threatened <u>Endangered</u>
(210)(229) Jeffersonia diphylla Twinleaf;	Threatened
(211)(230) Juncus articulatus ssp. articulatus Jointleafed Rush;	Special Concern, Historical
(212)(231) Juncus caesariensis New Jersey Rush;	Endangered
(213)(232) Juniperus communis var. depressa Dwarf Juniper;	Threatened
(214)(233) Kalmia angustifolia	Threatened

Sheep-laurel;	
(215) (234) Koeleria spicata	Special Concern, Historical
Spike Trisetum;	
(216) (235) Lachnocaulon minus	Threatened <u>Special Concern, Vulnerable</u>
Brown Bogbutton;	
(236) <u>Lecanora anakeesticola</u>	<u>Special Concern, Vulnerable</u>
<u>A lichen;</u>	
(217) (237) Lechea maritima var. virginica	Threatened
Maritime Pinweed;	
(218) (238) Lechea torreyi var. congesta	Endangered
Torrey's Pinweed;	
(219) Lejeunea blomquistii	Special Concern, Vulnerable
<u>A liverwort;</u>	
(239) <u>Lepora andersoniae</u>	<u>Threatened</u>
<u>A lichen;</u>	
(220) (240) Liatris aspera	Special Concern, Vulnerable
Rough Blazing-star;	
(221) (241) Liatris helleri**	Threatened
Heller's Blazing-star;	
(222) (242) Liatris microcephala	Special Concern, Vulnerable
Small-head Blazing-star;	
(243) <u>Liatris turgida</u>	<u>Special Concern, Vulnerable</u>
<u>Shale Blazing-star;</u>	
(244) <u>Lilaeopsis carolinensis</u>	<u>Threatened</u>
<u>Carolina Lilaeopsis;</u>	
(223) (245) Lilium canadense	Endangered
Canada Lily;	
(224) (246) Lilium grayi	Threatened
Gray's Lily;	
(225) (247) Lilium philadelphicum var.	
philadelphicum	Endangered
Wood Lily;	
(226) (248) Lilium pyrophilum	Endangered <u>Threatened</u>
Sandhills Lily;	
(227) (249) Limosella australis	Threatened <u>Endangered</u>
Awl-leaf, Mudwort;	
(228) (250) Lindera melissifolia**	Endangered
Pondberry;	
(229) (251) Lindera subcoriacea	Special Concern, Vulnerable
Bog Spicebush;	
(230) (252) Linum floridanum var. chrysocarpum	Threatened <u>Endangered</u>
Yellow-fruited Flax;	
(231) (253) Linum sulcatum	Special Concern, Historical
Glade Flax;	
(232) (254) Liparis loeselii	Endangered
Fen Orchid;	
(233) (255) Lithospermum canescens	Threatened <u>Endangered</u>
Hoary Puccoon;	
(234) (256) Litsea aestivalis	Special Concern, Vulnerable
Pondspice;	
(235) (257) Lobelia boykinii	Endangered
Boykin's Lobelia;	
(236) (258) Lophiola aurea	Endangered
Golden-crest;	
(259) <u>Lophocolea appalachiana</u>	<u>Special Concern, Vulnerable</u>
<u>A liverwort;</u>	
(237) (260) Ludwigia lanceolata	Endangered <u>Threatened</u>
Lanceleaf Seedbox;	
(238) (261) Ludwigia linifolia	Threatened

PROPOSED RULES

Flaxleaf Seedbox; (239)(262) <i>Ludwigia ravenii</i> Raven's Seedbox;	Endangered
(240)(263) <i>Ludwigia sphaerocarpa</i> Globe-fruit Seedbox;	Endangered
(241)(264) <i>Ludwigia suffruticosa</i> Shrubby Seedbox;	Threatened
(242)(265) <i>Lupinus villosus</i> Pink Sandhill Lupine;	Endangered
(243)(266) <i>Lycopodiella inundata</i> Northern Bog Clubmoss;	Endangered
(244)(267) <i>Lysimachia asperulifolia</i> ** Rough-leaf Loosestrife;	Endangered
(245) <i>Lysimachia borealis</i> Northern Starflower;	Threatened
(246)(268) <i>Lysimachia fraseri</i> Fraser's Loosestrife;	Endangered
(247)(269) <i>Macbridea caroliniana</i> Carolina Birds-in-a-Nest, Carolina Bogmint;	Endangered
(248)(270) <i>Magnolia macrophylla</i> Bigleaf Magnolia;	Special Concern, Vulnerable <u>Threatened</u>
(249)(271) <i>Malaxis spicata</i> Florida Adder's-mouth;	Special Concern, Vulnerable <u>Threatened</u>
(250)(272) <i>Marshallia grandiflora</i> Large-flowered Barbara's-buttons;	Special Concern, Historical
(251)(273) <i>Marshallia legrandii</i> Oak Barrens Barbara's-buttons;	Endangered
(252) <i>Marshallia trinervia</i> Broadleaf Barbara's-buttons;	Special Concern, Historical
(253)(274) <i>Melanthium woodii</i> Ozark Bunchflower;	Threatened
(254)(275) <i>Melica nitens</i> Three-flowered Melic;	Endangered
(255)(276) <i>Menyanthes trifoliata</i> Buckbean;	Threatened
(256)(277) <i>Micranthes pensylvanica</i> Swamp Saxifrage;	Endangered
(257)(278) <i>Mnesithea cylindrica</i> Carolina Jointgrass;	Special Concern, Historical <u>Endangered</u>
(258)(279) <i>Mononeuria groenlandica</i> Greenland Sandwort;	Threatened
(259)(280) <i>Mononeuria paludicola</i> Godfrey's Sandwort;	Endangered
(260)(281) <i>Mononeuria uniflora</i> Single-flowered Sandwort;	Endangered
(261)(282) <i>Moranopteris nimbata</i> West Indian Dwarf Polypody;	Threatened
(262)(283) <i>Muhlenbergia glomerata</i> Spiked Muhly;	Special Concern, Vulnerable
(263)(284) <i>Muhlenbergia sobolifera</i> Rock Muhly;	Threatened <u>Special Concern, Vulnerable</u>
(264)(285) <i>Muhlenbergia torreyana</i> Pinebarren Smokegrass;	Special Concern, Vulnerable
(265)(286) <i>Myrica gale</i> Sweet Gale;	Endangered
(266)(287) <i>Myriophyllum laxum</i> Loose Water-milfoil;	Endangered
(267)(288) <i>Myriophyllum tenellum</i>	Endangered

Leafless Water-milfoil;	
(268) <u>(289)</u> Nabalus albus	Special Concern, Vulnerable
White Rattlesnakeroot;	
(269) <u>(290)</u> Narthecium montanum	Special Concern, Historical
Appalachian Yellow Asphodel;	
(270) <u>(291)</u> Oenothera perennis	Special Concern, Vulnerable
Perennial Sundrops;	
(271) <u>(292)</u> Oldenlandia boscii	Threatened
Bosc's Bluet;	
(272) Oligoneuron album	Endangered
Prairie Goldenrod;	
(273) Oligoneuron jacksonii	Special Concern, Vulnerable
Southeastern Bold Goldenrod;	
(274) Oligoneuron rigidum	Threatened
Midwestern Bold Goldenrod;	
<u>(293)</u> <u>Oenothera unguiculata</u>	<u>Threatened</u>
<u>Coastal Sundrops;</u>	
(275) <u>(294)</u> Orbexilum macrophyllum	Special Concern, Historical
Bigleaf Scurfpea;	
(276) <u>(295)</u> Orbexilum onobrychis	Special Concern, Historical
Lanceleaf Scurfpea;	
(277) <u>(296)</u> Orbexilum pedunculatum	Endangered
Western Sampson's Snakeroot;	
(278) <u>(297)</u> Oreojuncus trifidus	Threatened
Highland Rush;	
(279) <u>(298)</u> Orthochilus ecristatus	Endangered <u>Special Concern, Historical</u>
Spiked Medusa;	
(280) <u>(299)</u> Pachysandra procumbens	Endangered
Allegheny Spurge;	
(281) <u>(300)</u> Packera crawfordii	Endangered
Crawford's Ragwort;	
(282) <u>(301)</u> Packera millefolium	Special Concern, Vulnerable
Blue Ridge Ragwort;	
(283) <u>(302)</u> Packera paupercula var. appalachiana	Threatened
Appalachian Ragwort;	
(284) <u>(303)</u> Packera paupercula var. paupercula	Special Concern, Vulnerable
Balsam Ragwort;	
(285) <u>(304)</u> Packera schweinitziana	Threatened <u>Endangered</u>
New England Ragwort;	
(286) <u>(305)</u> Packera serpenticola	Threatened
Buck Creek Ragwort;	
(287) <u>(306)</u> Palustricodon aparinoides var. aparinoides	Threatened
Marsh Bellflower;	
(288) <u>(307)</u> Panicum flexile	Threatened
Wiry Panic Grass;	
(289) <u>(308)</u> Parnassia caroliniana	Threatened
Carolina Grass-of-parnassus;	
(290) <u>(309)</u> Parnassia grandifolia	Threatened
Bigleaf Grass-of-parnassus;	
(291) <u>(310)</u> Paronychia herniarioides	Endangered
Michaux's Whitlow-wort;	
(292) <u>(311)</u> Paspalum dissectum	Endangered
Mudbank Crown Grass;	
(293) <u>(312)</u> Pedicularis lanceolata	Threatened
Swamp Lousewort;	
(294) <u>(313)</u> Pellaea wrightiana	Endangered
Wright's Cliff-brake;	
(295) <u>(314)</u> Persicaria hirsuta	Endangered
Hairy Smartweed;	

PROPOSED RULES

(296) (315) Phacelia maculata Flatrock Phacelia;	Endangered
(297) (316) Phegopteris connectilis Northern Beech Fern;	Endangered <u>Threatened</u>
(298) (317) Phemeranthus piedmontanus Piedmont Rock-pink;	Endangered
(318) <u>Pilophorus fibula</u> <u>Appalachian Matchsticks;</u>	<u>Endangered</u>
(299) (319) Pinguicula lutea Yellow Butterwort;	Special Concern, Vulnerable
(300) (320) Pinguicula pumila Small Butterwort;	Threatened
(301) (321) Pityopsis graminifolia A Silkgrass;	Endangered
(302) (322) Plantago cordata Heart-leaf Plantain;	Endangered
(303) (323) Plantago sparsiflora Pineland Plantain;	Threatened <u>Endangered</u>
(304) (324) Platanthera flava var. herbiola Tuberclad Rein Orchid;	Special Concern, Vulnerable
(305) (325) Platanthera integra Yellow Fringeless Orchid;	Threatened <u>Endangered</u>
(306) (326) Platanthera integrilabia** White Fringeless Orchid;	Threatened
(307) (327) Platanthera nivea Snowy Orchid;	Endangered <u>Special Concer, Historical</u>
(308) (328) Platanthera peramoena Purple Fringeless Orchid;	Threatened
(309) (329) Platanthera shriveri Shriver's Purple Fringed Orchid;	Endangered
(310) (330) Poa saltuensis Old-pasture Bluegrass;	Threatened <u>Special Concern, Vulnerable</u>
(311) (331) Polemonium reptans var. reptans Spreading Jacob's Ladder;	Threatened <u>Special Concern, Vulnerable</u>
(312) Polygala hookeri Hooker's Milkwort;	<u>Special Concern, Vulnerable</u>
(313) Polygala senega Seneca Snakeroot;	<u>Special Concern, Vulnerable</u>
(314) (332) Polygonella articulata Northern Wireweed; Coast Jointweed;	<u>Special Concern, Historical</u> <u>Threatened</u>
(315) (333) Polygonum glaucum Seabeach Knotweed;	Endangered
(316) (334) Ponthieva racemosa Shadow-witch;	Threatened
(317) (335) Portulaca smallii Small's Portulaca;	Threatened
(318) (336) Potamogeton illinoensis Illinois Pondweed;	Endangered
(319) (337) Primula meadia Eastern Shooting-star;	Special Concern, Vulnerable
(320) (338) Pseudognaphalium helleri Heller's Rabbit-tobacco;	Endangered
(321) (339) Ptilimnium costatum Big Bishop-weed;	Threatened
(340) <u>Pycnanthemum virginianum</u> <u>Virginia Mountain-mint;</u>	<u>Threatened</u>
(322) (341) Pyrola elliptica Elliptic Shinleaf;	Threatened
(323) (342) Pyxidantha barbulate var. brevifolia	Threatened

Sandhills Pyxie-moss; (324) <u>(343)</u> <i>Quercus elliotii</i> Running Oak;	Endangered
(325) <u>(344)</u> <i>Quercus ilicifolia</i> Bear Oak	Endangered <u>Threatened</u>
(326) <u>(345)</u> <i>Quercus minima</i> Dwarf Live Oak;	Endangered
(327) <u>(346)</u> <i>Quercus prinoides</i> Dwarf Chinquapin Oak;	Endangered
(328) <u>(347)</u> <i>Ranunculus ambigenus</i> Water-plantain Spearwort;	Special Concern, Historical
(329) <u>(348)</u> <i>Ranunculus hederaceus</i> Ivy-leaved Water Crowfoot;	Threatened
(330) <u>(349)</u> <i>Rhexia aristosa</i> Awned Meadow-beauty;	Special Concern, Vulnerable <u>Threatened</u>
(331) <u>(350)</u> <i>Rhodiola rosea</i> ssp. <i>roanensis</i> Roseroot;	Endangered
(332) <u>(351)</u> <i>Rhododendron prinophyllum</i> Election Pink;	Threatened
<u>(352)</u> <u><i>Rhododendron smokianum</i></u> <u>Great Smoky Mountain Rhododendron;</u>	<u>Special Concern, Vulnerable</u>
(333) <u>(353)</u> <i>Rhus michauxii</i> ** Michaux's Sumac;	Endangered
(334) <u>(354)</u> <i>Rhynchospora crinipes</i> Alabama Beaksedge;	Threatened
(335) <u>(355)</u> <i>Rhynchospora decurrens</i> Swamp Forest Beaksedge;	Threatened
(336) <u>(356)</u> <i>Rhynchospora harperi</i> Harper's Beaksedge;	Special Concern, Vulnerable <u>Threatened</u>
(337) <u>(357)</u> <i>Rhynchospora macra</i> Southern White Beaksedge;	Threatened <u>Endangered</u>
(338) <u>(358)</u> <i>Rhynchospora microcarpa</i> Southern Beaksedge;	Threatened
(339) <u>(359)</u> <i>Rhynchospora odorata</i> Fragrant Beaksedge;	Special Concern, Vulnerable
(340) <u>(360)</u> <i>Rhynchospora pleiantha</i> Coastal Beaksedge;	Threatened
<u>(361)</u> <u><i>Rhynchospora sulcata</i></u> <u>Grooved Beaksedge;</u>	<u>Threatened</u>
(341) <u>(362)</u> <i>Rhynchospora thornei</i> Thorne's Beaksedge;	Special Concern, Vulnerable
(342) <u>(363)</u> <i>Rhynchospora tracyi</i> Tracy's Beaksedge;	Threatened
(343) <i>Rubus strigosus</i> American Red Raspberry;	Threatened
<u>(364)</u> <u><i>Rinodina brodoana</i></u> <u>Brodo's Pepper-spore Lichen;</u>	<u>Special Concern, Vulnerable</u>
(344) <u>(365)</u> <i>Rudbeckia heliopsidis</i> Sun-facing Coneflower;	Endangered
(345) <u>(366)</u> <i>Ruellia ciliosa</i> Sandhills Wild-petunia;	Threatened
(346) <u>(367)</u> <i>Ruellia humilis</i> Low Wild-petunia;	Threatened <u>Endangered</u>
(347) <i>Ruellia purshiana</i> Pursh's Wild-petunia;	Special Concern, Vulnerable
(348) <u>(368)</u> <i>Ruellia strepens</i> Limestone Wild-petunia;	Endangered
(349) <u>(369)</u> <i>Sabal palmetto</i> Cabbage Palmetto;	Threatened

PROPOSED RULES

(350) (370) Sabatia kennedyana Plymouth Gentian;	Threatened
(371) <u>Sabulina paludicola</u> <u>Godfrey's Sandwort;</u>	<u>Endangered</u>
(351) (372) Sageretia minutiflora Small-flowered Buckthorn;	Threatened
(352) (373) Sagittaria chapmanii Chapman's Arrowhead;	Threatened
(353) (374) Sagittaria fasciculata** Bunched Arrowhead;	Endangered
(354) (375) Sagittaria isoetiformis Quillwort Arrowhead;	Threatened
(355) (376) Sagittaria macrocarpa Streamhead Arrowhead;	Threatened
(356) (377) Sagittaria weatherbiana Grassleaf Weatherby's Arrowhead;	Endangered
(357) (378) Sarracenia jonesii [Sarracenia rubra ssp. jonesii]** Mountain Sweet Pitcher Plant;	Endangered
(358) (379) Sarracenia minor var. minor Hooded Pitcher Plant;	Endangered
(359) (380) Sarracenia oreophila** Green Pitcher Plant;	Endangered
(360) (381) Sarracenia purpurea var. montana Southern Appalachian Purple Pitcher Plant;	Endangered
(361) (382) Scepitridium jenmanii Alabama Grape-fern;	Special Concern, Vulnerable
(362) (383) Schisandra glabra Magnolia Vine;	Threatened
(363) (384) Schwalbea americana** Chaffseed;	Endangered
(364) (385) Scirpus flaccidifolius Reclining Bulrush;	Endangered <u>Special Concern, Historical</u>
(365) (386) Scirpus lineatus Drooping Bulrush;	Threatened
(366) (387) Scleria baldwinii Baldwin's Nutrush;	Threatened
(367) (388) Scleria bellii Smooth-seeded Hairy Nutrush;	Endangered
(368) (389) Scleria reticularis Netted Nutrush;	Special Concern, Vulnerable <u>Threatened</u>
(390) <u>Scleria verticillata</u> <u>Savannah Nutrush;</u>	<u>Threatened</u>
(369) (391) Sclerolepis uniflora Sclerolepis;	Threatened
(370) (392) Scutellaria australis Southern Skullcap;	Endangered
(371) (393) Scutellaria galericulata Hooded Skullcap;	Special Concern, Historical
(372) (394) Scutellaria leonardii Shale-barren Skullcap;	Endangered
(373) (395) Scutellaria nervosa Veined Skullcap;	Endangered
(396) <u>Scutellaria saxatilis</u> <u>Rock Skullcap;</u>	<u>Special Concern, Vulnerable</u>
(374) (397) Sedum pusillum Puck's Orpine;	Endangered
(375) Senecio suaveolens Sweet Indian plantain;	Endangered
(398) <u>Senega hookeri</u>	<u>Threatened</u>

<p><u>Hooker's Milkwort:</u> (376)<u>(399)</u> Sesuvium maritimum Slender Sea-purslane; (377)<u>(400)</u> Sesuvium portulacastrum Shoreline Sea-purslane; (378)<u>(401)</u> Seymeria pectinata ssp.pectinata Comb Seymeria; (379)<u>(402)</u> Shortia brevistyla Northern Oconee Bells; (380)<u>(403)</u> Shortia galacifolia Southern Oconee Bells; (381)<u>(404)</u> Sideroxylon tenax Tough Bumelia; (382)<u>(405)</u> Silene ovata Mountain Catchfly; (383)<u>(406)</u> Silphium connatum Virginia Cup-plant; (384) <u>Silphium perfoliatum</u> Common Cup-plant; (385)<u>(407)</u> Sisyrinchium dichotomum** White Irisette; <u>(408)</u> <u>Solidago jacksonii</u> <u>Southeastern Bold Goldenrod:</u> (386)<u>(409)</u> Solidago leavenworthii Leavenworth's Goldenrod; (387)<u>(410)</u> Solidago plumosa Yadkin River Goldenrod; <u>(411)</u> <u>Solidago ptarmicoides</u> <u>Prairie Goldenrod:</u> (388)<u>(412)</u> Solidago radula Western Rough Goldenrod; <u>(413)</u> <u>Solidago rigida</u> <u>Midwestern Bold Goldenrod:</u> (389)<u>(414)</u> Solidago spithamaea** Blue Ridge Goldenrod; <u>(415)</u> <u>Solidago tarda</u> <u>Atlantic Goldenrod:</u> (390)<u>(416)</u> Solidago tortifolia Leafy Pineywoods Godenrod; (391)<u>(417)</u> Solidago verna Spring-flowering Goldenrod; (392)<u>(418)</u> Solidago villosicarpa Carolina Maritime Goldenrod: (393)<u>(419)</u> Sparganium acaule Greenfruit Bur-reed; (394)<u>(420)</u> Spartina pectinata Freshwater Cordgrass; (395)<u>(421)</u> Sphagnum contortum Contorted Peatmoss; (396)<u>(422)</u> Sphagnum warnstorffii Fen Peatmoss; (397)<u>(423)</u> Spigelia marilandica Pink-root; <u>(424)</u> <u>Spinulum annotinum</u> <u>Stiff Clubmoss:</u> (398)<u>(425)</u> Spiraea corymbosa Rock Spiraea; (399)<u>(426)</u> Spiraea virginiana** Virginia Spiraea;</p>	<p>Endangered <u>Threatened</u> Endangered Special Concern, Historical Threatened <u>Endangered</u> Special Concern, Vulnerable <u>Threatened</u> Threatened <u>Special Concern, Vulnerable</u> Special Concern, Vulnerable Special Concern, Vulnerable Special Concern, Vulnerable Endangered <u>Special Concern, Vulnerable</u> Endangered Threatened <u>Endangered</u> Endangered Threatened <u>Endangered</u> Endangered <u>Threatened</u> Threatened Threatened Endangered Threatened Threatened <u>Endangered</u> Special Concern, Vulnerable <u>Threatened</u> Threatened Threatened <u>Threatened</u> Endangered Threatened</p>
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PROPOSED RULES

(400)(427) <i>Spiranthes lacera</i> var. <i>lacera</i> Northern Slender Ladies'-tresses;	Endangered <u>Threatened</u>
(401)(428) <i>Spiranthes laciniata</i> Lace-lip Ladies'-tresses;	Special Concern, Vulnerable
(402)(429) <i>Spiranthes longilabris</i> Giant Spiral Orchid;	Endangered
(403)(430) <i>Spiranthes lucida</i> Shining Ladies'-tresses;	Endangered
(404)(431) <i>Spiranthes ochroleuca</i> Yellow Nodding Ladies'-tresses;	Threatened
(405)(432) <i>Sporobolus heterolepis</i> Prairie Dropseed;	Threatened
(406)(433) <i>Sporobolus teretifolius</i> Wireleaf Dropseed;	Endangered
(407)(434) <i>Sporobolus virginicus</i> Seashore Dropseed;	Threatened
(408)(435) <i>Stachys appalachiana</i> Appalachian Hedge-nettle;	Endangered
(436) <u><i>Stachys clingmanii</i></u> <u>Clingman's Hedge-nettle;</u>	<u>Special Concern, Vulnerable</u>
(409)(437) <i>Stachys eplingii</i> Epling's Hedge-nettle;	Endangered
(410)(438) <i>Stachys matthewsii</i> Yadkin Hedge-nettle;	Endangered
(411)(439) <i>Stenanthium gramineum</i> var. <i>robustum</i> Bog Featherbells;	Endangered
(412)(440) <i>Stenanthium leimanthoides</i> Pinebarrens Death-camas;	Threatened
(441) <u><i>Sticta deyana</i></u> <u>A lichen;</u>	<u>Threatened</u>
(413)(442) <i>Stylisma aquatica</i> Water Dawnflower;	Endangered
(414)(443) <i>Stylisma pickeringii</i> var. <i>pickeringii</i> Pickering's Dawnflower;	Special Concern, Vulnerable
(415)(444) <i>Swida asperifolia</i> Roughleaf Dogwood;	Endangered
(416)(445) <i>Swida racemose</i> Gray Dogwood;	Special Concern, Vulnerable
(417)(446) <i>Symphyotrichum concinnum</i> Narrow-leaved Smooth Aster;	Endangered
(418)(447) <i>Symphyotrichum depauperatum</i> Serpentine Aster;	Endangered
(448) <u><i>Symphyotrichum dumosum</i> var.</u> <u>subulifolium Needleleaf Bushy Aster;</u>	<u>Endangered</u>
(419)(449) <i>Symphyotrichum georgianum</i> Georgia Aster;	Threatened
(420)(450) <i>Symphyotrichum oblongifolium</i> Eastern Aromatic Aster;	Threatened
(421)(451) <i>Symphyotrichum rhiannon</i> Buck Creek Aster;	Threatened
(422)(452) <i>Synandra hispidula</i> Synandra;	Threatened
(423)(453) <i>Taxus canadensis</i> Canada Yew;	Threatened <u>Endangered</u>
(454) <u><i>Teloschistes flavicans</i></u> <u>Golden Hair-lichen;</u>	<u>Threatened</u>
(424)(455) <i>Thalictrum cooleyi</i> ** Cooley's Meadowrue;	Endangered
(425)(456) <i>Thalictrum macrostylum</i>	Special Concern, Vulnerable

Small-leaved Meadowrue;	
(426)(457) <u>Thaspium pinnatifidum</u>	Endangered
Mountain Thaspium;	
(427)(458) <u>Thermopsis fraxinifolia</u>	Special Concern, Vulnerable
Ash-leaved Golden-banner;	
(428)(459) <u>Tiedmannia [Oxypolis] canbyi**</u>	Endangered
Canby's Dropwort;	
(460) <u>Triadenum tubulosum</u>	<u>Endangered</u>
Southern Marsh St. John's-wort;	
(429)(461) <u>Triantha glutinosa</u>	Special Concern, Vulnerable
Sticky Bog Asphodel;	
(430)(462) <u>Trichostema brachiatum</u>	Endangered
Glade Bluecurls;	
(431)(463) <u>Trichostema nesophilum</u>	Special Concern, Vulnerable
Dune Bluecurls;	
(432)(464) <u>Tridens ambiguus</u>	Endangered
Pineland Triodia;	
(433)(465) <u>Tridens chapmanii</u>	Special Concern, Vulnerable
Chapman's Triodia;	
(466) <u>Trientalis borealis</u>	<u>Special Concern, Vulnerable</u>
Northern Starflower;'	
(434)(467) <u>Tridens strictus</u>	Special Concern, Historical <u>Endangered</u>
Spike Triodia;	
(435)(468) <u>Trifolium carolinianum</u>	Special Concern, Historical
Carolina Clover;	
(436)(469) <u>Trifolium reflexum</u>	Threatened
Buffalo Clover;	
(437)(470) <u>Trillium discolor</u>	Threatened
Pale Yellow Trillium;	
(438)(471) <u>Trillium flexipes</u>	Threatened
Bent White Trillium;	
(439)(472) <u>Trillium pusillum</u> var. <u>ozarkanum</u>	Endangered
Alabama Least Trillium;	
(440)(473) <u>Trillium pusillum</u> var. <u>pusillum</u>	Endangered
Carolina Least Trillium;	
(441) <u>Trillium pusillum</u> var. <u>virginianum</u>	Endangered
Virginia Least Trillium;	
(442)(474) <u>Trillium recurvatum</u>	Threatened <u>Endangered</u>
Prairie Trillium;	
(443)(475) <u>Trillium sessile</u>	Threatened
Sessile-flowered Trillium;	
(444)(476) <u>Trillium simile</u>	Special Concern, Vulnerable
Sweet White Trillium;	
(445)(477) <u>Turritis glabra</u>	Endangered
Tower Mustard;	
(446)(478) <u>Urtica chamaedryoides</u>	Threatened
Dwarf Stinging Nettle;	
(447)(479) <u>Utricularia cornuta</u>	Threatened
Horned Bladderwort;	
(448)(480) <u>Utricularia geminiscapa</u>	Special Concern, Vulnerable
Two-flowered Bladderwort;	
(449)(481) <u>Utricularia minor</u>	Special Concern, Historical
Small Bladderwort;	
(450)(482) <u>Utricularia olivacea</u>	Threatened
Dwarf Bladderwort;	
(451)(483) <u>Utricularia resupinata</u>	Endangered
Northeastern Bladderwort;	
(452)(484) <u>Vaccinium macrocarpon</u>	Threatened
Cranberry;	

(453)(485) Vandenboschia boschiana Appalachian Filmy-fern;	Endangered
(454)(486) Veronica americana American Speedwell;	Threatened <u>Endangered</u>
(455)(487) Waldsteinia lobata Lobbed Barren-strawberry;	Endangered <u>Threatened</u>
(456)(488) Warea cuneifolia Carolina Pineland-cress;	Endangered
(457)(489) Woodsia ilvensis Rusty Cliff Fern;	Endangered
(458)(490) Xyris floridana Florida Yellow-eyed-grass;	Special Concern, Vulnerable <u>Threatened</u>
(459)(491) Xyris scabrifolia Roughleaf Yellow-eyed-grass;	Special Concern, Vulnerable <u>Threatened</u>
(460)(492) Xyris serotina Acid-swamp Yellow-eyed-grass;	Special Concern, Historical
(461)(493) Xyris stricta Pineland Yellow-eyed-grass;	Endangered
(462)(494) Zephyranthes simpsonii Florida Atamasco-lily.	Endangered

Authority G.S. 106-202.15.

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Agriculture intends to readopt without substantive changes the rules cited as 02 NCAC 51 .0201, and .0203.

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

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncagr.gov/divisions/legal-affairs/legal-affairs-rules>

Proposed Effective Date: October 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than June 16th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.

Reason for Proposed Action: Readoption required as part of the periodic review process as outlined in G.S. 150B-21.3A.

Comments may be submitted to: Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27603; phone (919) 745-9356; email anna.hayworth@ncagr.gov

Comment period ends: July 31, 2026

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 51 - STATE FARM OPERATIONS AND FOOD DISTRIBUTION

SECTION .0200 - FOOD DISTRIBUTION

02 NCAC 51 .0201 ADMINISTRATION OF FEDERAL PROGRAMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 51 .0203 FAIR HEARING PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Agriculture intends to readopt with substantive changes the rule cited as 02 NCAC 52K .0601, and readopt without substantive changes the rules cited as 02 NCAC 52K .0101, .0102, .0201, .0301, .0302, .0401-.0407, .0501, .0502, .0602-.0604, .0701, and .0702.

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

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncagr.gov/divisions/legal-affairs/legal-affairs-rules>

Proposed Effective Date: October 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than June 16th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.

Reason for Proposed Action: Readoption required as part of the periodic review process as outlined in G.S. 150B-21.3A.

Comments may be submitted to: Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (984) 236-4509; email rulesreview@ncagr.gov

Comment period ends: July 31, 2026

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 52 - VETERINARY

SUBCHAPTER 52K – ANIMAL EXHIBITIONS

SECTION .0100 – PURPOSE AND SCOPE

02 NCAC 52K .0101 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0102 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - DEFINITIONS

02 NCAC 52K .0201 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - SIGNAGE

02 NCAC 52K .0301 SIGNAGE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0302 MINIMUM SIZE OF LETTERING ON SIGNAGE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 – OPERATIONS AND STAFFING

02 NCAC 52K .0401 FENCING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0402 PROHIBITED ITEMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0403 AGE REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0404 FEEDING OF ANIMALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0405 STAFFING; COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0406 SURFACES; EXHIBIT AREAS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0407 WASTE DISPOSAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 – FOOD, DRINK AND HAND-WASHING

02 NCAC 52K .0501 HAND-WASHING STATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0502 FOOD AND DRINK (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - ANIMAL KEEPING, CERTIFICATIONS AND EXHIBITION

02 NCAC 52K .0601 HEALTH CERTIFICATE;
VACCINATIONS

(a) ~~An official health certificate as defined in 02 NCAC 52B .0202,~~ A rabies vaccination certificate (when applicable), and any other documentation required by 02 NCAC 52B for species or state of origin, shall accompany all animals contained in a public contact setting.

(b) An animal for which there is an approved rabies vaccine, but which is too young to receive rabies vaccination, is prohibited from animal contact exhibits unless proof of rabies vaccination, within the preceding 12 months, of the mother is provided.

(c) Initial rabies vaccination shall be administered at least 30 days prior to the event. Subsequent vaccinations for livestock shall be no more than one year prior to the event and may be within 30 days of the event if proof of previous vaccination is provided. Dogs and cats shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6.

(d) If no licensed rabies vaccine exists for a particular species (such as rabbits, goats, llamas, and camels), no vaccination is required.

Authority G.S. 106-520.3A.

02 NCAC 52K .0602 DAILY MONITORING
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0603 HIGH RISK ANIMALS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0604 BIRTHING ANIMALS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - PERMITTING AND RECORD-KEEPING

02 NCAC 52K .0701 PERMITTING (READOPTION
WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 52K .0702 RECORDS (READOPTION
WITHOUT SUBSTANTIVE CHANGES)

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Medical Care Commission intends to readopt with substantive changes the rule cited as 10A NCAC 130 .0101, and readopt without substantive changes the rules cited as 10A NCAC 130 .0102, .0201, .0202, and .0301.

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

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

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: July 22, 2026

Time: 10:00 a.m.

Location: 1915 Health Services Way, DHHS Headquarters, Conference Rm 2210, Raleigh, NC 27607

Reason for Proposed Action: The rulemaking procedures in Subchapter 10A NCAC 13A apply to the rulemaking authority of the North Carolina Medical Care Commission (MCC) granted by G.S. 143B-165. Rules are required in the N.C. Administrative Code pursuant to G.S. 150B-20 for the procedure for submitting a rule petition to an Agency and the procedure an Agency follows in considering a rulemaking petition. The rules for reporting by health care facilities to the Department of all allegations against health care personnel and the requirements for nurse aide registry rules will be readopted without substantial changes.

Comments may be submitted to: Shanah Black, 1915 Health Services Way, 2201 Mail Service Center, Raleigh, NC 27607; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: July 31, 2026

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

SUBCHAPTER 130 – HEALTH CARE PERSONNEL REGISTRY

SECTION .0100 – HEALTH CARE PERSONNEL REGISTRY

10A NCAC 130 .0101 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Abuse" is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including subsequent amendments. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing, Washington D.C. 20402-20402 or may be accessed electronically free of charge at http://www.ecfr.gov.
(2) "Division of drugs" means the unauthorized taking or use of any drugs.
(3) "Drug" means any chemical compound that may be used on or administered to humans or animals as an aid in the diagnosis, treatment or prevention of disease or other condition of for the relief of pain or suffering or to control or improve any physiological pathologic condition.
(4) "Finding" (when used in conjunction with the Health Care Personnel Registry) means a determination by the Department that an allegation of resident abuse or neglect, misappropriation of resident or health care facility property, diversion of drugs belonging to a resident or health care facility, and fraud against a resident or health care facility has been substantiated.
(5) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State Law.
(6) "Health Care Facility" means all the facilities and agencies as defined in G.S. 131E-256(b).
(7) "Health Care Personnel" means all the persons as defined in G.S. 131E-256(c).
(8) "Misappropriation of the resident property" is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including subsequent amendments. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402-20402 or may be accessed electronically free of charge at http://www.ecfr.gov.
(9) "Misappropriation of the property of a health care facility" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent.
(10) "Neglect" is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including subsequent amendments. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402-20402 or may be

accessed electronically free of charge at http://www.ecfr.gov.

- (11) "Resident" means all the individuals residing in or being served by a health care facility as defined in G.S. 131E-256(b).

Authority G.S. 131E-256; 42 U.S.C. 1395; 42 U.S.C. 1396.

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 130 – HEALTHCARE PERSONNEL REGISTRY

SECTION .0100 - HEALTH CARE PERSONNEL REGISTRY

10A NCAC 130 .0102 INVESTIGATING AND REPORTING HEALTH CARE PERSONNEL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 – MEDICATION AIDE REGISTRY

10A NCAC 130 .0201 MEDICATION AIDE COMPETENCY EVALUATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 130 .0202 REGISTRY OF MEDICATION AIDES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - NURSE AIDE I REGISTRY

10A NCAC 130 .0301 NURSE AIDE I TRAINING AND COMPETENCY EVALUATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Department of Health and Human Services intends to readopt with substantive changes the rule cited as 10A NCAC 14A .0301, and readopt without substantive changes the rules cited as 10A NCAC 14A .0101, .0103, .0302, and .0303.

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

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

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: July 23, 2026

Time: 10:00 A.M.

Location: Conf Rm 2230, DHHS Headquarter, 1915 Health Services Way, Raleigh, NC 27607

Reason for Proposed Action: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 14A, these proposed readoption rules were determined as "Necessary," requiring readoption. The Nursing Home Licensure and Certification Section seeks to align state licensure rules with federal long-term care requirements to ensure consistency across all facilities. North Carolina currently has 422 facilities operating with a nursing home license. These rules are being readopted with no substantial changes.

Comments may be submitted to: Shanah Black, 1915 Health Services Way; 2701 Mail Service Center, Raleigh, NC 27607; email dhsr.rules.coordinator@dhhs.nc.gov

Comment period ends: July 31, 2026

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 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14A - RULEMAKING SECTION .0100 - RULEMAKING

10A NCAC 14A .0101 PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 14A .0103 DECLARATORY RULINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - HEARINGS: TRANSFERS AND DISCHARGES

10A NCAC 14A .0301 DEFINITIONS

The following definitions apply throughout this Section:

- (1) "Facility" is defined in 42 CFR 483.5, which is herein incorporated by reference...
(2) "Hearing Officer" means the person at the Hearing Unit designated to preside over hearings...
(3) "Hearing Unit" means the Chief Hearing Officer and his or her staff...
(4) "Notice" means a written notification of transfer or discharge...
(5) "Request for a Hearing" means a written expression by the resident...
(6) "Resident" means any person who is receiving treatment or long-term care...
(7) "Serve" means personal delivery, delivery by first class or certified United States Postal Service mail...

Authority G.S.143B-165(10); 42 U.S.C. 1395i-3(c)(2)(B)(iii); 42 U.S.C. 1396r(e)(3);42 U.S.C. 1396r(f)(3); 42 CFR 483.15(c).

10A NCAC 14A .0302 TRANSFER OR DISCHARGE HEARING REQUEST (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 14A .0303 FILING A REQUEST FOR HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rules cited as 10A NCAC 41C .1002-.1005.

Link to agency website pursuant to G.S. 150B-19.1(c): https://cph.dph.ncdhhs.gov/

Proposed Effective Date: October 1, 2026

Public Hearing: Date: June 18, 2026

Time: 2:00 p.m.

Location: This public hearing will be held by teleconference at (919) 715-0769 (no access code required).

Reason for Proposed Action: 10A NCAC 41C Section .1000 implements Session Law 2021-180, Section 9G.8, which directs the Commission for Public Health to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public schools and the inspection for and abatement of asbestos and lead-based paint hazards in public schools and licensed child care facilities. The proposed amendments extend the deadline for public schools and licensed child care facilities to complete required tests and inspections from May 1, 2024 to June 30, 2027. This is expected to increase the number of facilities eligible for the funding mechanisms outlined in 10A NCAC 41C .1002. Under Session Law 2025-97, Section 6.9 the time period for associated funds to be spent was extended until June 30, 2027.

Comments may be submitted to: Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, NCDHHS, Division of Public Health, Raleigh, NC 27699-1931; email cphcomment@ml.nc.gov

Comment period ends: July 31, 2026

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 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41C - OCCUPATIONAL HEALTH

SECTION .1000 – LEAD AND ASBESTOS INSPECTION, TESTING, ABATEMENT, AND REMEDIATION IN

NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES

10A NCAC 41C .1002 FUNDING

(a) Public schools and licensed child care facilities in North Carolina shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. to fully or partially offset the cost of conducting testing for lead in water and inspections for asbestos and lead-based paint hazards, when a test for lead in water is conducted by May 1, 2024 June 30, 2027 or an inspection for lead-based paint or asbestos is conducted by May 1, 2024 June 30, 2027 and the test or inspection is conducted in accordance with the rules of this Section.

(b) Public schools and licensed child care facilities that are eligible to participate under Paragraph (a) of this Rule shall also be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. to fully or partially offset the cost of conducting remediation of lead in water and abatement of asbestos and lead-based paint hazards identified under this Section when the following requirements are met:

- (1) lead or asbestos is detected that meets the requirements under the rules of this Section for abatement or remediation;
(2) the abatement or remediation, as applicable, is performed in accordance with the rules of this Section; and
(3) replacement materials used to abate asbestos hazards do not contain more than 1 percent asbestos and replacement materials used to abate lead-based paint hazards do not contain lead in excess of 90 parts per million as confirmed by a safety data sheet, letter from the manufacturer, or laboratory test results.

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, licensed child care centers conducting testing and remediation of water outlets used for drinking or food preparation pursuant to 15A NCAC 18A .2816 shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. for testing conducted in accordance with that Rule by May 1, 2024 June 30, 2027 and remediation conducted in accordance with that Rule between May 1, 2020 and the date on which funds are no longer available in accordance with S.L. 2021-180, s. 9G.8.(d).

(d) Notwithstanding Paragraphs (a) and (b) of this Rule, if asbestos or lead-based paint is detected during a capital, renovation, or repair project in a public school or licensed child care facility, the public school or licensed child care facility shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. as follows:

- (1) to fully or partially offset the cost of conducting an inspection in accordance with Rules .1003(b) or .1004(b) of this Section, as applicable, except that the inspection may be limited to the area in the public school or licensed child care facility where the capital, renovation, or repair project is being conducted; and
(2) to fully or partially offset the cost of conducting abatement when lead-based paint or asbestos is

detected that meets the requirements under the Rules of this Section for abatement and abatement is conducted in accordance with Rules .1003(e) and .1004(e) of this Section and with the limitation on materials set out in Subparagraph (b)(3) of this Rule, except that the abatement may be limited to the area in the public school or licensed child care facility where the capital, renovation, or repair project is being conducted.

(e) Inspections and abatements described in Paragraph (d) of this Rule that are limited to the area in the public school or licensed child care facility where the capital, renovation, or repair project is being conducted shall not satisfy the facility-wide inspection requirements for public schools and licensed child care facilities set out in Rules .1003 and .1004 of this Section.

(f) Notwithstanding the foregoing, to be eligible to participate in any funding mechanism under this Rule, responsible individuals shall make all records regarding testing, inspection, abatement, and remediation available to the Department upon request, including, but not limited to, itemized expense reports for activities funded under S.L. 2021-180, s. 9G.8.

(g) Nothing in this Rule shall require the Department to provide funding if the Department determines there are not sufficient funds available in accordance with S.L. 2021-180, s. 9G.8.(d).

Authority S.L. 2021-180, s. 9G.8.

10A NCAC 41C .1003 ASBESTOS INSPECTIONS AND ABATEMENT IN NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Abatement" means as defined at G.S. 130A-444(4), and also includes renovation activities that are carried out to repair, maintain, remove, isolate, enclose, replace, or encapsulate asbestos containing material. Abatement shall not be considered complete until a final clearance inspection of the public school or licensed child care facility is performed by an air monitor in accordance with 40 C.F.R. 763.90(i).
- (2) "Air monitor" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(3).
- (3) "Asbestos" means as defined at G.S. 130A-444(2).
- (4) "Asbestos containing material" means as defined at G.S. 130A-444(3).
- (5) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40 C.F.R. 763.88(b)(1)-(4).
- (6) "Inspection" in a licensed child care facility means an examination of the facility for the presence of asbestos hazards that is conducted by an inspector in accordance with the rules of Section .0600 of this Subchapter. "Inspection"

in a public school means a reinspection conducted in alignment with G.S. 130A-445, 10A NCAC 41C .0604, and 40 C.F.R.763.85(b).

(7) "Inspector" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(7).

(8) "Management Planner" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(9).

(b) Each responsible individual shall ensure that an inspection is conducted for asbestos hazards in each public school or licensed child care facility for which he or she is responsible by ~~May 1, 2024~~ June 30, 2027. Inspections for asbestos hazards shall be performed by an inspector and documented in an inspection report in accordance with 40 C.F.R. 763, Subpart E. A management planner shall review the inspection report to determine whether an asbestos hazard has been detected and shall document his or her findings in an asbestos management plan in accordance with Rule 10A NCAC 41C .0604.

(c) If the management planner determines that an asbestos hazard has been detected, then the responsible individual shall restrict access to the identified asbestos hazard until it is abated in accordance with this Rule.

(d) A determination by a management planner that an asbestos hazard is present in a public school or licensed child care facility that is documented in an asbestos management plan in accordance with Paragraph (b) of this Rule shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that asbestos is detected that meets the requirements for abatement.

(e) Abatement shall be performed by one or more professionals who are accredited in accordance with 10A NCAC 41C .0602 and shall be performed in accordance with Rules .0605-.0607 of this Subchapter.

(f) The information listed in this Paragraph shall be submitted to the Program by email to ARPA-Reimbursement@dhhs.nc.gov:

- (1) Within 45 calendar days following the date on which an inspection is completed pursuant to this Rule, the management planner shall report the following on a form provided by the Department:
 - (A) the name, address, email address, and phone number of the responsible individual;
 - (B) the name, address, email address, phone number, and accreditation number of the management planner;
 - (C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;
 - (D) whether the facility for which the responsible individual is submitting the information is a public school or a licensed child care facility;
 - (E) whether the inspection identified the presence of an asbestos hazard;
 - (F) a description of any identified asbestos hazard; and

- (G) the results of any laboratory testing conducted during the inspection.
- (2) If the public school or licensed child care facility plans to use a previous inspection or documentation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection report, reinspection report, or management plan associated with the previous inspection or the documentation by ~~May 1, 2024~~ June 30, 2027 in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.
- (3) At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall report the following on a form provided by the Department:
 - (A) the name, address, email address, and phone number of the responsible individual;
 - (B) the name and address, including county, of the individual school and the public school unit or the licensed child care facility, as applicable;
 - (C) the names and accreditation numbers of the professionals who will conduct the abatement and the email address and phone number of the on-site asbestos supervisor who will oversee the abatement;
 - (D) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
 - (E) the dates on which the abatement is scheduled to occur; and
 - (F) a description of the planned abatement that contains information on the type of materials to be abated, the location of the abatement, the quantity of material to be abated, and the method of abatement.
- (4) Within 45 calendar days following the date on which an abatement completed pursuant to this Rule, the responsible individual shall report the following:
 - (A) the name, address, email address, and phone number of the responsible individual;
 - (B) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;
 - (C) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
 - (D) the date on which the abatement was completed; and

- (E) a report of the results of the final clearance inspection.
- (g) In accordance with 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable, licensed child care facilities shall inspect for asbestos hazards in accordance with this Rule to ensure these facilities are safe and free from hazards that may injure children. The failure of a responsible individual in licensed child care facility to inspect for asbestos hazards or to restrict access to or abate identified asbestos hazards in accordance with this Rule shall be considered a violation of 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable.
- (h) The requirements of Paragraph (b) of this Rule shall be considered met if:
 - (1) the public school or licensed child care facility previously completed an inspection of its buildings that meets the requirements of 40 C.F.R. 763, Subpart E, provided that building material that was sampled during a previous inspection and reported as trace asbestos or less than 10 percent asbestos content shall be reinspected in accordance with the process established in Paragraphs (b) - (f) of this Rule;
 - (2) the public school or licensed child care facility produces documentation in accordance with 40 C.F.R. 763.99(a)(7); or
 - (3) the licensed child care facility produces a property tax record that shows the building occupied by the licensed child care facility was built after October 12, 1988.

Authority S.L. 2021-180, s. 9G.8.

10A NCAC 41C .1004 LEAD-BASED PAINT INSPECTIONS AND ABATEMENT IN NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES

- (a) For the purposes of this Rule, the following definitions shall apply:
 - (1) "Abatement" means as defined at 40 C.F.R. 745.223, and also includes "interim controls" as defined at 40 C.F.R. 745.83. Abatement shall not be considered complete until a final clearance inspection of the public school or licensed child care facility is performed by a certified risk assessor in accordance with the standards set forth at 40 C.F.R. 745.227.
 - (2) "Certified Project Designer" means an individual who meets the requirements for a project designer as set forth in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
 - (3) "Certified Supervisor" means an individual who meets the requirements for a supervisor as set forth in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
 - (4) "Certified Risk Assessor" means an individual who meets the requirements for a risk assessor as set forth in G.S. 130A-453.03 and Rule .1006 of this Section.

- (5) "Inspection" means a risk assessment conducted in accordance with 40 C.F.R. 745.223.
- (6) "Inspection report" means a summary prepared in accordance with Rule .0807(b) of this Subchapter.
- (7) "Lead-based paint hazard" means as defined at G.S. 130A-131.7(6).
- (8) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7).
- (9) "Occupant protection plan" means as defined at Rule .0801(a)(6) of this Subchapter.

(b) Each responsible individual shall ensure that an inspection is conducted for lead-based paint hazards in each public school or licensed child care facility for which he or she is responsible by ~~May 1, 2024~~ June 30, 2027. Inspections for lead-based paint hazards shall be performed by a certified risk assessor and documented in an inspection report. The certified risk assessor shall determine whether a lead-based paint hazard is present in the public school or licensed child care facility based on the inspection, and document the determination in the inspection report. If the certified risk assessor determines that a lead-based paint hazard exists, then an occupant protection plan shall be written by a certified supervisor or certified project designer in accordance with 40 C.F.R. 745.227(e)(5) and Rule .0801(a)(6) of this Subchapter.

(c) If the certified risk assessor detects a lead-based paint hazard, then the responsible individual shall restrict access to the identified lead-based paint hazard until abated in accordance with this Rule.

(d) A determination by a certified risk assessor that a lead-based paint hazard is present in the public school or licensed child care facility that is documented in the inspection report in accordance with Paragraph (b) of this Rule shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that lead is detected that meets the requirements for abatement.

(e) Abatement shall be performed by one or more professionals who are certified in accordance with G.S. 130A-453.03 and Rules .0802 or .0902 of this Subchapter and shall be performed in accordance with Rules .0807-.0809 and .0906 of this Subchapter, as applicable.

(f) The information listed in this Paragraph shall be submitted to the Program by email to ARPA-Reimbursement@dhhs.nc.gov:

- (1) Within 45 calendar days following the date on which an inspection is completed pursuant to the Rule, the certified risk assessor shall report the following on a form provided by the Department:
 - (A) the name, address, email address, and phone number of the responsible individual;
 - (B) the name, address, email address, phone number, and certification number of the certified risk assessor;
 - (C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;

- (D) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
- (E) whether the inspection identified the presence of a lead-based paint hazard;
- (F) a description of any identified lead-based paint hazard; and
- (G) the results of any laboratory testing conducted during the inspection.

(2) If the public school or licensed child care facility plans to use a previous inspection or a signed attestation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection report associated with the previous inspection or the signed attestation by ~~May 1, 2024~~ June 30, 2027 in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

(3) At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall report the following on a form provided by the Department:

- (A) the name, address, email address, and phone number of the responsible individual;
- (B) the name and address, including county, of the individual school and the public school unit or the licensed child care facility, as applicable;
- (C) the names and certification numbers of the professionals who will conduct the abatement and the email address and phone number of the on-site lead supervisor who will oversee the abatement;
- (D) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
- (E) the dates on which the abatement is scheduled to occur; and
- (F) a description of the planned abatement that contains information on the type of materials to be abated, the location of the abatement, the quantity to be abated, and the method of abatement.

(4) Within 45 calendar days following the date on which abatement is completed pursuant to this Rule, the responsible individual shall report the following:

- (A) the name, address, email address, and phone number of the responsible individual;
- (B) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;

- (C) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
- (D) the date on which the abatement was completed; and
- (E) a report of the results of the final clearance inspection.

(g) In accordance with 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), and 10A NCAC 09 .1707(2), as applicable, licensed child care facilities shall inspect for lead-based paint hazards in accordance with this Rule to ensure these facilities are free from lead poisoning hazards. The failure of a responsible individual in licensed child care facility to inspect for lead-based paint hazards or to restrict access to or abate identified lead-based paint hazards in accordance with this Rule shall be considered a violation of 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), or 10A NCAC 09 .1707(2), as applicable.

(h) The requirements of Paragraph (b) of this Rule shall be considered met if:

- (1) the public school or licensed child care facility has previously completed a risk assessment of its buildings that meets the requirements of 40 C.F.R. 745.223; or
- (2) the responsible individual of a public school or licensed child care facility located in a building that was built after February 28, 1978 signs a statement attesting that no lead-based paint was used in the building.

Authority S.L. 2021-180, s. 9G.8.

10A NCAC 41C .1005 LEAD POISONING HAZARDS IN DRINKING WATER IN NORTH CAROLINA PUBLIC SCHOOLS

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7)g.
- (2) "Testing" means the process described in Subparagraphs (b)(1)-(4) of this Rule.
- (3) "Remediation" means as defined at G.S. 130A-131.7(15).

(b) The following actions shall be taken to ensure that drinking water in public schools are free of identified lead poisoning hazards:

- (1) Responsible individuals at public schools shall complete a one-time test of all water outlets used for drinking or food preparation. The responsible individual shall provide documentation of testing results for review by the Department during routine sanitation inspections under Rule 15A NCAC 18A .2402(a).
- (2) Initial water samples shall be collected by the responsible individual and tested in accordance with Subparagraph (b)(3) of this Rule by ~~May 1, 2024~~ June 30, 2027.

(3) The responsible individual shall collect samples and submit them for testing in accordance with guidance specified by the United States Environmental Protection Agency in its publication, 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is hereby incorporated by reference, including any subsequent editions or amendments, and available free of charge at: <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water>. Notwithstanding the foregoing guidance, samples may be collected with a stagnation period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State Laboratory of Public Health to analyze for lead in drinking water.

(4) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory shall notify the Department of the test results by electronic submission of the elements set out in G.S. 130A-131.8.

(5) When a public school receives test results from a laboratory indicating that a water sample collected by the responsible individual contains a lead concentration at or above the lead poisoning hazard level, the responsible individual shall:

- (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead concentrations at or above the lead poisoning hazard level;
- (B) ensure that all students and staff have access to water free of cost that does not contain lead concentrations at or above the lead poisoning hazard level for drinking and food preparation; and
- (C) continue to follow Parts (b)(5)(A) - (B) of this Rule until the Department determines in accordance with Subparagraph (b)(10) of this Rule that the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the responsible individual and the Department of Public Instruction in writing of this determination.

(6) If a water sample collected by the responsible individual reveals a water lead level at or above the lead poisoning hazard level then the requirement of Rule .1002(b)(1) of this Section shall be considered met.

(7) Within five business days of receiving the test results of a water analysis that shows a water lead level at or above the lead poisoning hazard level, the responsible individual shall provide written notification of the test results to the parents or legal guardians of the children attending the public school and the staff of the

public school in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(3) of this Rule.

- (8) Within five business days of receiving the test results of a water analysis that shows a water lead level at or above the lead poisoning hazard level, the public school shall make the test results available to the public, free of charge. The responsible individual may post test results to the public school's website to satisfy the requirement to make the test results available to the public.
- (9) Remediation of water outlet(s) producing water lead levels at or above the lead poisoning hazard level shall ensure that water produced is below the lead poisoning hazard level and may include replacement of service lines, pipes, and fixtures and the installation of filters at affected faucets. Within 30 business days from the date on which remediation is conducted under this Rule, the responsible individual shall submit the following information to the Program:
 - (A) the name and contact information of the responsible individual;
 - (B) the name and address, including county, of the public school;
 - (C) the steps taken to remediate the lead poisoning hazard; and
 - (D) the date on which the remediation was completed.
- (10) Remediation shall not be considered complete until the Department conducts sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level to confirm that the remediated water outlet is no longer producing water lead levels at or above the lead poisoning hazard level.

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

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

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/commission-meeting-information/>

Proposed Effective Date: *January 1, 2027*

Public Hearing:

Date: *July 31, 2026*

Time: *9:00 A.M.*

Location: *Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>*

Reason for Proposed Action: *To re adopt rules as part of the Periodic Review process. To update requirements pertaining to annual firearms qualification for law enforcement officers. To update course curriculum requirements for Law Enforcement Office Basic Training, Juvenile Justice Officer Basic Training, Juvenile Court Counselor Basic Training, LIDAR Operator Training, and Specialized Instructor Training courses. To update training requirements for Local Confinement Personnel. To update exam requirements for Criminal Justice Instructor Training. To update requirements for annual in-service training for law enforcement officers. To outline contents of School Resource Officer forms, Diversion Investigator forms, Electronic Speed-Measuring Systems forms, and law enforcement annual in-service forms. To outline requirements and approval process for Electronic Speed-Measuring Systems.*

Comments may be submitted to: *Holly Cardoza, 1700 Tryon Park Dr, Garner, NC 27529; phone (919) 661-5991; email hcardoza@ncdoj.gov*

Comment period ends: *July 31, 2026*

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.

Authority S.L. 2021-180, s. 9G.8.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Criminal Justice Education and Training Standards Commission intends to adopt the rules cited as 12 NCAC 09A .0301; 09B .0418; 09I .0111-.0114, amend the rules cited as 12 NCAC 09B .0238; 09E .0111, repeal the rules cited as 12 NCAC 09B .0307, .0411, .0412, re adopt with substantive changes the rules cited as 12 NCAC 09B .0201, .0204, .0205, .0209, .0225- .0227, .0232, .0233, .0235, .0236, .0241, .0302, .0303, .0305, .0306, .0313, .0314, .0404- .0406, .0410, .0413, .0415, .0417; 09E .0103, .0104, .0106, and re adopt without substantive changes the rules cited as 12 NCAC 09B .0210, and .0237.

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

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 .0300 – ELECTRONIC SPEED-MEASURING SYSTEMS FOR SPEED LIMIT VIOLATIONS IN SCHOOL ZONES

12 NCAC 09A .0301 ELECTRONIC SPEED-MEASURING SYSTEMS

(a) For the purposes of this Subchapter, an electronic speed-measuring system (ESMS) used for speed limit enforcement in school zones is defined as a mobile or fixed device consisting of an automated traffic camera and a sensor capable of measuring speed and producing one or more digital photographs recording of a motor vehicle violating a posted speed limit, pursuant to G.S. 160A-300.4 and G.S. 153A-246.1. All requirements for accuracy testing methods and operational procedures for electronic speed-measuring systems used to measure the speed of vehicles for enforcement of speed limits in school zones shall conform with G.S. 8-50.4, 160A-300.4, 153A-246.1, and 17C-6(a).

(b) Prior to approval of an ESMS for use for speed limit enforcement in school zones in North Carolina, manufacturers shall submit a Application for ESMS Approval Form (ESMS-1), pursuant to 12 NCAC 09I .0113, to the Division indicating that the ESMS meets the requirements outlined in "School Zone Electronic Speed-Measuring System Requirements" as published by the Commission and the Secretary of Public Safety, which is hereby incorporated by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be obtained at no cost from the Department of Justice website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(c) Each ESMS shall be tested for accuracy within a 12-month period prior to each use of the system for speed limit enforcement in school zones, as outlined in "School Zone Electronic Speed-Measuring System Requirements." The test shall be conducted by a Commission-certified ESMS Technician, pursuant to Paragraph (d) of this Rule. The results of the tests shall be recorded on Form ESMS-3 for systems using RADAR technology or Form ESMS-4 for systems using LIDAR technology, pursuant to 12 NCAC 09I .0113.

(d) Individuals seeking certification as an ESMS Technician shall meet the following requirements:

- (1) possess a general radiotelephone operator license from the Federal Communications Commission or a Certified Electronics Technician certificate issued by a Federal Communications Commission Commercial Operators License Examination Manager; and
- (2) submit to the Division a completed Application for ESMS Technician Form ESMS-2, pursuant to 12 NCAC 09I .0113.

The term of certification as an ESMS Technician shall be indefinite, provided the individual retains licensure or certification as outlined in Part (1) of this Paragraph.

(e) Each ESMS shall be calibrated and tested for accuracy, as outlined in "School Zone Electronic Speed-Measuring System Requirements," within a 30-day period prior to each use of the system for speed limit enforcement in school zones by a Commission-certified SMI Operator. For an ESMS with RADAR technology, the evaluating SMI Operator shall hold active certification as a RADAR Operator or Instructor, pursuant to 12 NCAC 09B .0212 and .0308. For an ESMS with LIDAR technology, the evaluating SMI Operator shall hold active certification as a LIDAR Operator or Instructor, pursuant to 12 NCAC 09B .0237 and .0238.

Authority G.S. 8-50.4; 17C-6; 153A-246.1; 160A-300.4.

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

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

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS

(a) An institution or agency shall secure school accreditation pursuant to 12 NCAC 09C .0401 prior to offering any criminal justice training course.

(b) Each institution or agency accredited by the Commission to administer Commission-accredited criminal justice training programs shall designate one compensated staff member for each commission-accredited program for which the institution or agency has been granted accreditation. Such staff member shall be certified by the Commission under Section .0500 of this Subchapter to be the criminal justice School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and managing each sponsored accredited criminal justice training course. If the Commission-accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

(c) The Commission-accredited institution or agency shall permanently maintain records of all criminal justice training courses sponsored or delivered by the school, reflecting:

- (1) course title;
- (2) delivery hours of course;
- (3) course delivery dates;

- (4) names and addresses of instructors utilized within designated subject-matter areas;
- (5) a roster of enrolled trainees, showing class attendance and designating whether each trainee's course participation was successful or unsuccessful;
- (6) copies of all rules, regulations and guidelines developed by the School Director;
- (7) documentation of any changes in the initial course outline, including substitution of instructors; and
- (8) documentation of make-up work achieved by each individual trainee, including test scores and methods.

(d) The Commission-accredited institution or agency offering any criminal justice training program or course of instruction shall meet or exceed the following specifications:

- (1) acquire and allocate financial resources to provide commission certified instructors and to meet other program expenses; and
- (2) provide one designated clerical support person to assist the School Director in maintaining required records, complete reports, and provide other clerical needs as required by the School Director.

(e) In the event an accredited institution or agency does not own the classrooms, physical training rooms, firing range, or driving track required for training delivery, written agreements between entities involved shall be in place in order to ensure access to and use of such facilities. A copy of such agreement must be on file for review by staff to the Commission.

(f) The North Carolina Justice Academy is accredited by the Commission to administer the following Specialized Instructor programs:

- (1) Specialized Instructor – Compliance and Control Tactics;
- (2) Specialized Instructor - Law Enforcement Firearms;
- (3) Specialized Instructor – Law Enforcement Driver Training;
- (4) Specialized Instructor – Physical Fitness; ~~and~~
- (5) Specialized Instructor – Explosive and Hazardous ~~Emergencies~~ Emergencies;
- (6) RADAR Instructor and RADAR Instructor Recertification; and

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

(a) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 868 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

- (1) Module 1
 - (A) Orientation 8 Hours
 - (B) Ethical Problem Solving 16 Hours
 - (C) Communication and De-escalation Skills 24 Hours
 - (D) Crisis Intervention: Interacting with Special Needs Populations 24 Hours
 - (E) Officer Health and Wellness 54 Hours
 - (F) Field Notes and Report Writing 16 Hours
 - (G) Arrest, Search, Seizure, and Constitutional Law 24 28 Hours

(7) LIDAR Instructor and LIDAR Instructor Recertification.

(g) The North Carolina State Highway Patrol is accredited by the Commission to administer the Specialized Instructor – Law Enforcement Driving Program.

(h) The North Carolina Department of Adult Correction (DAC) Office of Staff Development and Training is accredited by the Commission to administer the DAC-Firearms Instructor and DAC-Controls, Restraints, and Defensive Techniques programs.

(i) The North Carolina Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention is accredited by the Commission to administer the Juvenile Justice Specialized Instructor Training – Restraints, Controls, and Defense Techniques program.

Authority G.S. 17C-6.

12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT

(a) Any school offering a Commission-accredited Basic Law Enforcement Training Course shall have enrolled a minimum of 10 trainees in the offering.

(b) Any school may make written request to the Director of the Standards Division to deliver the Commission-accredited Basic Law Enforcement Training Course with no fewer than eight enrolled trainees. The Director shall approve the request if it includes a summary of the efforts the school has made to notify its respective community of the availability of the course and the reasons supporting the school's need to enroll fewer than 10 trainees, provided that the summary includes attempts to notify, at a minimum, by social media and the school's website.

(c) The school ~~may~~ shall not enroll any trainee later than the initial day of delivery of a certified training course unless the trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of this Subchapter.

(d) The school shall not enroll more than 18 trainees in a presentation of the "Criminal Justice Instructor Training Course" as constituted under Rule .0209 of this Section.

Authority G.S. 17C-6.

	(H) Interviews and Interrogations	24 Hours
	(I) Compliance and Control Tactics	64 Hours
	(J) Firearms	96 <u>92</u> Hours
	(K) Law Enforcement Driver Training	48 Hours
	(L) First Responder	24 Hours
(2)	Module 2	
	(A) Criminal Investigations	40 Hours
	(B) Testifying in Court	16 Hours
	(C) Responding to Crime Victims	8 Hours
	(D) Person Crimes	16 Hours
	(E) Property Crimes	16 Hours
	(F) Crimes Against the Public	16 Hours
	(G) Juvenile Laws and Procedures	12 Hours
	(H) Domestic Violence	16 Hours
	(I) Sexual Assaults	16 Hours
	(J) Human Trafficking	4 Hours
	(K) Hate Crimes	8 Hours
	(L) Controlled Substances	16 Hours
	(M) Missing Persons	4 Hours
	(N) Deceased Persons	4 Hours
(3)	Module 3	
	(A) Motor Vehicle Law	20 Hours
	(B) Traffic Law Enforcement	24 Hours
	(C) Traffic Crash Investigations	24 Hours
	(D) Standardized Field Sobriety Testing	28 Hours
(4)	Module 4	
	(A) Patrol Techniques	28 Hours
	(B) Crowd Management	16 Hours
	(C) Courtroom Security	8 Hours
	(D) Homeland Security	8 Hours
	(E) Rapid Deployment to an Active Attacker	16 Hours
	(F) Civil Process	24 <u>20</u> Hours
	(G) Transporting and Processing	8 Hours
	(H) Crime Prevention	4 Hours
	(I) Explosives and Hazardous Materials Emergencies	16 Hours
	(J) <u>Administrative Investigations</u>	<u>4 Hours</u>
(5)	Testing	30 Hours
	Total Course Hours	868 Hours

~~(e) This Rule does not apply to Basic Law Enforcement Training courses that were in progress as of January 1, 2025.~~

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

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Criminal Justice Instructor certification shall consist of a minimum of 38 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing. The Instructor Training course shall be presented during a period of no more than 15 business days. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) whether instruction has begun in the course or whether course initiation may be postponed;
- (2) the risk of harm to students that may be caused by continuation of the course;

- (3) whether those enrolled in the course have been or will likely be called into action to help address the State of Emergency;
- (4) the specific need for the waiver; and
- (5) the degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Criminal Justice Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) Orientation and Pre-Test 2 Hour
- (2) Instructional Systems Design (ISD) 3 Hours

- (3) Law Enforcement Instructor Liabilities and Legal Responsibilities 2 Hours
- (4) Criminal Justice Instructional Leadership 4 Hours
- (5) Lesson Plan Preparation: Professional Resources 2 Hours
- (6) Lesson Plan Development and Formatting 3 Hours
- (7) Adult Learning 2 Hours
- (8) Instructional Styles and Platform Skills 5 Hours
- (9) Classroom Management 3 Hours
- (10) Active Learning: Demonstration and Practical Exercises 3 Hours
- (11) The Evaluation Process of Learning 3 Hours
- (12) Audio Visual Aids 5 Hours
- (13) Course Closing and Post-test 1 Hour
- (14) Completion of tasks associated with practical exercises, student presentations, and post testing. testing shall consist of a minimum of 24.5 hours. The Instructor Training School Director shall determine the number of hours required to complete this portion of the curriculum. This decision shall be based on the number of enrolled students, available facilities, and number of instructors.

~~(e) The most current version of the "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be purchased by cash, money order, or credit card, from the Academy bookstore at the following address:~~

~~North Carolina Justice Academy
Post Office Drawer 99~~

12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

(a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum of 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range Operations presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;

Salemburg, North Carolina 28385

Authority G.S. 17C-6.

12 NCAC 09B .0210 RADAR INSTRUCTOR TRAINING COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09B .0225 BASIC TRAINING -- LOCAL CONFINEMENT PERSONNEL

~~(a) The basic training course for detention officers as prescribed in 12 NCAC 10B by the North Carolina Sheriffs' Education and Training Standards Commission is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B 21.6 to be the minimum basic training course required for local confinement facility personnel. The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic curriculum for local confinement facility personnel. 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 is forty dollars (\$40.00) per copy.~~

~~(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this requirement.~~

(a) For the purposes of this Rule, Local Confinement Personnel shall include only designated officers and supervisory personnel of a local confinement facility, operating as a partnering agency to house juveniles as prescribed by agreed upon terms and conditions with the Division of Juvenile Justice and Delinquency Prevention pursuant to G.S. 153A-217 and 153A 218.

(b) Basic training for Local Confinement Personnel shall consist of the Juvenile Justice Officer Basic Training Course, pursuant to .0236 of this Subchapter.

(c) To acquire successful completion of basic training, the trainee shall:

- (1) complete the Basic Training Course for Juvenile Justice Officers; and
- (2) achieve a passing score on the comprehensive state examination, pursuant to Rule .0418 of this Subchapter.

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

- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

PROPOSED RULES

(b) Each Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training (BLET) Course or a law enforcement officer in-service firearms ~~training qualification~~ program.

(c) Each applicant for specialized firearms instructor training shall:

- (1) have completed the criminal justice instructor training ~~course; course, pursuant to Rule .0209 of this Subchapter;~~
- (2) present a written endorsement by either:
 - (A) a certified school director indicating the student may be utilized to instruct firearms in the Basic Law Enforcement Training Course; or
 - (B) ~~a department an agency~~ head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct firearms in a law enforcement officer in-service firearms ~~training qualification~~ program; and
- (3) Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency during a qualification administered by the North Carolina Justice Academy. To successfully complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 out of 3 times on both the BLET Day and ~~Night Low-Light~~ Courses of Fire while using a 'Sam Browne' type belt and security holster and agency-issued duty or ballistic-equivalent ammunition.

(d) Each Specialized Firearms Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|------|--|---------|
| (1) | Orientation/Pretest | 2 Hours |
| (2) | Range Operations | 2 Hours |
| (3) | Civil Liability | 4 Hours |
| (4) | Night Firing | 2 Hours |
| (5) | Combat Shooting Classroom and Range | 8 Hours |
| (6) | Mental Conditioning | 1 Hours |
| (7) | Shotgun Operation and Firing | 4 Hours |
| (8) | Service Handgun - Operation and Use | 8 Hours |
| (9) | Rifle - Operation and Maintenance | 4 Hours |
| (10) | Service Handgun - Maintenance and Cleaning | 2 Hours |
| (11) | Range Medical Emergencies | 2 Hours |

- | | | |
|------|---|---------|
| (12) | In-Service Firearms Requirements | 2 Hours |
| (13) | BLET Lesson Plan Review | 1 Hour |
| (14) | Range Drills as defined in the Specialized Firearms Instructor Training Manual and the Specialized Firearms Instructor Training Course Management Guide | 8 Hours |
| (15) | Completion of tasks associated with Range Operations and Instructor <u>Practicums as follows shall consist of a minimum of 24 hours overall: Practicums hours determined by number of students and instructors:</u> <ol style="list-style-type: none">(A) Conduct a BLET Day Course of Fire <u>Fire</u>;(B) Conduct a BLET Night Low-Light <u>Night Low-Light</u> Course of Fire <u>Fire</u>;(C) Conduct a Long Gun Course of Fire <u>Fire</u>; and(D) Develop a Combat Course of Fire <u>Fire</u>. | |

The School Director shall determine an increase to the minimum hours required to complete the practical skills associated with Range Operations and Instructor Practicums to ensure a minimum ratio of one instructor for every six trainees engaged in a practical skills exercise.

~~(e) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be the curriculum for the Specialized Firearms Instructor Training course. Copies of this publication may be inspected at the:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610~~

~~and may be obtained at the cost of printing and postage from the Academy at the following address:
North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

~~(f)(e) The Commission certified Commission-accredited school that is certified accredited to offer the "Specialized Firearms Instructor Training" course is the North Carolina Justice Academy.~~

Authority G.S. 17C-6.

12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Driver Instructor Certification shall consist of a minimum of 24 hours of classroom instruction plus the time required to conduct the tasks as required in the driver practicums based on number of students, available facilities, and number of instructors.

(b) Each Specialized Driver Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

PROPOSED RULES

(c) Each applicant for Specialized Driver Instructor Training shall:

- (1) have completed the criminal justice ~~general~~ instructor training ~~course~~; course, pursuant to Rule .0209 of this Subchapter;
- (2) present a written endorsement by either:
 - (A) a certified school director indicating the student may be utilized to instruct driving in Basic Law Enforcement Training Courses; or
 - (B) ~~a department~~ an agency head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program".
- (3) possess a valid operator driver's license;
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years; and
- (5) Within 365 days prior to enrollment in the Specialized Driver Instructor Training course, the prospective student shall complete a qualification administered by the North Carolina Justice Academy or the North Carolina State Highway Patrol Training Academy requiring the individual to achieve minimum scores on the following Basic Law Enforcement Training driving course exercises:
 - (A) minimum score of 85 percent on 2 out of 3 attempts on the Off-set Lane Maneuver, Serpentine, and Precision Exercise during daylight conditions;
 - (B) minimum score of 85 percent on 2 out of 3 attempts on the Precision Exercise during nighttime conditions;
 - (C) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Emergency Response exercise;
 - (D) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Pursuit Exercise; and
 - (E) score 100 percent on 2 out of 3 attempts on all phases of the Fixed Radius Curve and Evasive Action Exercises.

- | | | |
|------|---|---------|
| (1) | Orientation | 1 Hour |
| (2) | Lesson Plan Review (BLET) | 6 Hours |
| (3) | General Mechanical Knowledge | 2 Hours |
| (4) | Before - Operation Inspection | 1 Hour |
| (5) | Laws of Natural Force & Operating Characteristics | 3 Hours |
| (6) | Legal and Operational Considerations for the Driver Instructor | 4 Hours |
| (7) | Course Description Packet and Administrative Code Review | 2 Hour |
| (8) | Course Review | 1 Hour |
| (9) | Building Driving Courses | 4 Hours |
| (10) | Completion of tasks associated with the Driver Practicums shall consist of a minimum of 40 hours. Practicums. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors. The School Director shall determine an increase to the minimum hours required to complete the practical skills associated with Driver Practicums to ensure a minimum ratio of one instructor for every six trainees engaged in a practical skills exercise. | |

~~(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for Specialized Driver Instructor Training courses. Copies of this publication may be inspected at the:~~

Criminal Justice Standards Division
 North Carolina Department of Justice
 1700 Tryon Park Drive
 Post Office Drawer 149
 Raleigh, North Carolina 27610
 and may be obtained at the cost of printing and postage from the Academy at the following address:
 North Carolina Justice Academy
 Post Office Box 99
 Salemburg, North Carolina 28385

~~(f)(c) Commission-certified~~ The Commission-accredited schools that are certified accredited to offer the "Specialized Driver Instructor Training" course are The North Carolina Justice Academy and The North Carolina State Highway Patrol Training Center.

Authority G.S. 17C-6.

(d) Each Specialized Driver Instructor Training course shall include the following identified topic areas and instructional hours for each area:

12 NCAC 09B .0232 SPECIALIZED COMPLIANCE AND CONTROL TACTICS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Compliance and Control Tactics Instructor Certification shall consist of a minimum of ~~29~~ 27 hours of classroom instruction plus time required to complete the tasks associated with Compliance and Control Tactics Instructional Methods and Demonstration, presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow

breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
(2) The risk of harm to students that may be caused by continuation of the course;
(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
(4) The specific need for the waiver; and
(5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Compliance and Control Tactics Instructor Training course shall provide the trainee with the skills and knowledge to perform the function of a criminal justice Specialized Compliance and Control Tactics Instructor in the Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Compliance and Control Tactics Instructor Training shall:

- (1) have completed the Criminal Justice Instructor Training course, pursuant to 12 NCAC 09B .0209;
(2) present a letter from a physician, physician assistant, or nurse practitioner, who holds a current license in the United States to practice medicine, as issued by a state medical board, stating the applicant's physical fitness to participate in the course;
(3) present a written endorsement by either:
(A) a certified School Director indicating the student is qualified to instruct Compliance and Control Tactics in the Commission-accredited Basic Law Enforcement Training Course; or
(B) a Department or Agency Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct Compliance and Control Tactics for the Law Enforcement Officers' Annual In-Service Training program; and
(4) Within 365 days prior to enrollment in the Compliance and Control Tactics Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
(A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Compliance and Control Tactics; and
(B) achieve at least the 60th percentile on a physical fitness assessment.

(d) Each Specialized Compliance and Control Tactics Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) Orientation 1 Hour
(2) Response to Injury 4 Hours 2 Hours
(3) Combat Conditioning 4 Hours 8 Hours
(4) Safety Guidelines/Rules 2 Hours 1 Hour
(5) Fundamentals of Professional Liability Legal Considerations for Control Tactics Instructors 4 Hours 2 Hours
(6) Practical Skills Enhancement 4 Hours 6 Hours
(7) History of the Use of Force Training in NC 1 Hour
(7)(8) Student Instructional Practicum 6 Hours 4 Hours
(8)(9) BLET Lesson Plan Review 4 Hours 2 Hours
(10) Practical skills associated with Compliance and Control Tactics, Instructional Methods, and Demonstrations shall consist of a minimum of 40 hours. The School Director shall determine an increase to the minimum hours required to complete the practical skills to ensure a minimum ratio of one instructor for every eight trainees engaged in a practical skills exercise.

Authority G.S. 17C-6.

12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Physical Fitness Instructor Certification shall consist of a minimum of 47 hours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods, presented instruction, including practical skills tasks, during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the

Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
(2) The risk of harm to students that may be caused by continuation of the course;
(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

PROPOSED RULES

- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Physical Fitness Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for specialized physical fitness training shall:

- (1) qualify through one of the following three options:
 - (A) have completed the criminal justice ~~general~~ instructor training ~~course~~; course, pursuant to Rule .0209 of this Subchapter;
 - (B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree in physical education, and be teaching in physical education topics; or
 - (C) be presently instructing physical education topics in a community college, college, or university and possess a baccalaureate degree in physical education;
- (2) present a written endorsement by either:
 - (A) a certified School Director indicating the student may be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or
 - (B) a certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service Training Program;
- (3) present a letter from a physician stating fitness to participate in the course; and
- (4) Within 365 days prior to enrollment complete a qualification administered by the North Carolina Justice Academy requiring the individual to:
 - (A) complete Scenario #1 of the Police Officer Physical Abilities Test (POPAT) in no more than six minutes;
 - (B) complete Scenario #2 of the POPAT in no more than three minutes; and
 - (C) complete a physical fitness assessment achieve at a minimum percentile score of 60.

(d) Each Specialized Physical Fitness Instructor Training course shall include the following identified topic areas and minimum instructional and practical hours for each area:

- (1) Orientation 1 Hour
- (2) Physical Fitness Sessions 6 Hours
- (3) Physical Fitness Assessments, Exercise Programs, and Instructional Methods 14 Hours
- (4) Injury Care and Prevention 4 Hours
- (5) Nutrition 7 Hours
- (6) Civil Liability 3 Hours
- (7) CVD Risk Factors 3 Hours
- (8) Developing In-Service Wellness Programs and Validating Fitness Standards 4 Hours
- (9) Lesson Plan Review 2 Hours
- (10) Exercise Leadership 3 Hours
- ~~(11) Completion of tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods. The number of hours required to complete this portion of the curriculum shall be determined by number of students, number of instructors, and available facilities.~~

~~(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610~~

~~and may be obtained at the cost of printing and postage from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

~~(f)(e) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training" course is the North Carolina Justice Academy.~~

Authority G.S. 17C-6.

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors Counselors, to include Chief Court Counselors, training course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform essential job functions as a Juvenile Court Counselor. The course shall consist of a minimum of 119 hours of classroom and practical skills instruction. instruction, to include the following course topics:

PROPOSED RULES

- (1) Juvenile Behavior Interventions and Psychomotor Skills;
- (2) Defensive Protection;
- (3) Trauma Informed Programming and Theory;
- (4) Juvenile Court Operations, Intake, Supervision, and Services;
- (5) Juvenile Law;
- (6) Statutory Responsibilities and Requirements of Juvenile Court Counselors; and
- (7) Assessing Risk and Needs.

	Total Hours	83 hours
(2)	<u>Juvenile Court Counselor Specific:</u>	
(A)	<u>Statutory Responsibilities and Requirements of Juvenile Court Counselors</u>	6 hours
(B)	<u>Juvenile Law</u>	8 hours
(C)	<u>Intake, Supervision and Services</u>	8 hours
(D)	<u>Risk and Needs Assessment</u>	6 hours
(E)	<u>Report Writing and Documentation</u>	8 hours
	Total Hours	36 hours
	Total Course Hours	119 hours

(b) Trainees who have completed the minimum 117 hour training program accredited by the Commission pursuant to .0236 of this Subchapter who transfer from a Juvenile Justice Officers position to a Juvenile Court Counselors position shall be required to complete an abbreviated course designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor. This abbreviated course shall consist of a minimum of 36 hours of instruction and include the following course topics:

- (1) Trauma Informed Programming Theory;
- (2) Juvenile Court Operations, Intake, Supervision, and Services;
- (3) Juvenile Law;
- (4) Statutory Responsibilities and Requirements of Juvenile Court Counselors; and
- (5) Assessing Risk and Needs.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 5 hours
 - (B) Interpersonal Communication Skills 5 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - (E) Staff and Juvenile Relationships: Maintaining Professional Boundaries 4 hours
 - (F) Gang Awareness 2 hours
 - (G) Situational Awareness and Risk Assessment 4 hours
 - (H) Restraints, Controls, and Defensive Techniques 28 hours
 - (I) Mechanical Restraints 4 hours
 - (J) Youth Mental Health First Aid 8 hours
 - (K) Think-Trauma 8 hours
 - (L) Driver and Secure Transport Safety 4 hours
 - (M) Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
 - (N) Verbal De-escalation for Juvenile Justice 2 hours

(c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course, or his or her designee, shall notify the Commission of training completion by submitting a Report of Training Course Completion Form (F-11), pursuant to 12 NCAC 09I .0108, for each trainee. The Report of Training Course Completion, F 11, identifies the student, student's social security number, date of birth, employing agency, position, date of appointment, and course information, to include title of course, location course was conducted at, the dates the course began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying official regarding the successful completion of the training course.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

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

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

(a) The Juvenile Justice Officer training course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform essential job functions as a Juvenile Justice Officer. The course shall consist of a minimum of 117 hours of classroom and practical skills instruction, instruction and include the following course topics:

- (1) Juvenile Behavior Interventions and Psychomotor Skills;
- (2) Defensive Protection;
- (3) Trauma Informed Programming and Theory;
- (4) Juvenile Justice Facility Operations and Treatments;
- (5) Contraband and Search Techniques;
- (6) Health Services; and
- (7) Population Management in Confined Settings.

(b) Trainees who have completed the minimum 119 hour training program accredited by the Commission pursuant to 12 NCAC 09B .0235 who transfer from a Juvenile Court Counselors

PROPOSED RULES

position to a Juvenile Justice Officers position shall be required to complete an abbreviated course designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Justice Officer. This abbreviated course shall consist of a minimum of 34 hours of instruction and include the following course topics:

- (1) Trauma Informed Programming and Theory;
- (2) Juvenile Justice Facility Operations and Treatment;
- (3) Contraband and Search Techniques;
- (4) Health Services; and
- (5) Population Management in Confined Settings.

~~(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:~~

- (1) ~~Juvenile Justice Common Core:~~
 - (A) ~~Basic Individual Counseling Skills~~ 5 hours
 - (B) ~~Interpersonal Communication Skills~~ 5 hours
 - (C) ~~Working with Families~~ 3 hours
 - (D) ~~Characteristics of Delinquents~~ 4 hours
 - (E) ~~Staff and Juvenile Relationships: Maintaining Professional Boundaries~~ 4 hours
 - (F) ~~Gang Awareness~~ 2 hours
 - (G) ~~Situational Awareness and Risk Assessment~~ 4 hours
 - (H) ~~Restraints, Controls, and Defensive Techniques~~ 28 hours
 - (I) ~~Mechanical Restraints~~ 4 hours
 - (J) ~~Youth Mental Health First Aid~~ 8 hours
 - (K) ~~Think Trauma~~ 8 hours
 - (L) ~~Driver and Secure Transport Safety~~ 4 hours
 - (M) ~~Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System~~ 2 hours

12 NCAC 09B .0238 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR LIDAR OPERATORS

(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a law enforcement lidar operator. This course shall be for a period not to exceed four consecutive weeks, and shall consist of a minimum of ~~30~~ 8 hours of instruction and shall include the following topic areas and minimum hours for each:

- (1) Course Orientation 0.5 Hours
- (2) Introduction to Lidar Training 0.5 Hours
- (3) Basic Principles of Lidar Speed Measurement 1 Hour
- (4) Legal and Operational Considerations 1 Hour
- (5) Familiarization and Operation of Specific Lidar Instruments 2 Hours
- (6) Courtroom Preparation 1 Hour
- (7) Motor-Skill Performance Testing ~~3 Hours~~ 1 Hour
- (8) Course Review 1 Hour

This course shall have a minimum ratio of one instructor per six students.

- (N) ~~Verbal De-escalation for Juvenile Justice~~ 2 hours
- Total Hours 83 hours

- (2) ~~Juvenile Justice Officer Specific:~~
 - (A) ~~Treatment Program Operations~~ 4 hours
 - (B) ~~Maintaining Documentation of Activities and Behaviors~~ 8 hours
 - (C) ~~Basic Group Leadership Skills~~ 4 hours
 - (D) ~~Effective Behavior Management~~ 10 hours
 - (E) ~~Health Services Overview~~ 2 hours
 - (F) ~~Contraband and Search Techniques~~ 2 hours
 - (G) ~~Suicide Prevention and Response~~ 4 hours
 - Total Hours 34 hours
 - Total Course Hours 117 hours

(c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the ~~course~~ course, or his or her designee, shall notify the Commission of the training completion by submitting a Report of Training Course Completion Form (F-11), pursuant to 12 NCAC 09I .0108, for each trainee. ~~The requirements for completion of the Report of Training Course Completion, F-11, is outlined in 12 NCAC 09B .0235.~~

~~(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.~~

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

12 NCAC 09B .0237 LIDAR INSTRUCTOR CERTIFICATION TRAINING AND RE-CERTIFICATION COURSES (READoption WITHOUT SUBSTANTIVE CHANGES)

(b) To be eligible for enrollment in the Lidar Operator Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) have completed a Commission-approved Basic Law Enforcement Training (BLET) Course, pursuant to 12 NCAC 09B .0205;
- (2) hold active law enforcement certification; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212; or
- (4) hold active radar instructor certification or be enrolled in a radar instructor training course or a radar instructor re-certification training course as outlined in 12 NCAC 09B .0210.

Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, who do not meet these requirements shall be allowed to participate in a Lidar Operator Training Course at the discretion of the school director.

(c) The Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to perform the functions of a lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of four hours of instruction, including the following topic areas and minimum hours for each:

- (1) Course Orientation 0.5 Hours
- (2) Legal and Operational Considerations 1 Hour
- (3) Motor-Skill Performance Testing 2.5 Hours

This course shall have a minimum ratio of one instructor per six students.

(d) To be eligible for enrollment in the Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) hold active law enforcement certification;
- (2) hold active lidar operator certification or have previously held active lidar operator certification within the 12 months prior to the scheduled end date of the course; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212.

Federal law enforcement personnel who do not meet these requirements shall be allowed to participate in a Lidar Operator Re-Certification Training Course at the discretion of the school director, but such personnel must have completed one introductory-level speed measurement instrument course that included instruction on the operation of lidar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

Authority G.S. 17C-6.

12 NCAC 09B .0241 JUVENILE JUSTICE SPECIALIZED INSTRUCTOR TRAINING – RESTRAINTS, CONTROLS AND DEFENSIVE TECHNIQUES

(a) The instructor training course requirement for the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention Restraints, Controls and Defensive Techniques (RCDT) Specialized Instructor certification shall consist of at least 70 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques course shall be designed to provide the trainee with the skills and knowledge to perform the function of the Juvenile Justice Restraints, Controls

and Defensive Techniques Instructor in the basic training course for Juvenile Court Counselors course per .0235 of this Subchapter, the basic training course for Juvenile Justice Officers per .0236 of this Subchapter, "Basic Training for Juvenile Justice Officers" course and the "Basic Training for Juvenile and Chief Court Counselors" courses, as well as in-service training courses for juvenile justice officers and juvenile and chief court ~~counselors.~~ counselors as determined by the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention.

(c) Each applicant for enrollment in the Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques RCDT course shall:

- (1) Have completed the criminal justice ~~general instructor training course;~~ course, pursuant to .0209 of this Subchapter; and

- (2) Possess a valid CPR certification that includes cognitive and skills testing.
- (d) Each Juvenile Justice Specialized Instructor Training – ~~Restraints, Controls and Defensive Techniques~~ RCDT course shall include the following ~~course topics; identified topical areas:~~
 - ~~(1)~~ (1) ~~Orientation;~~
 - ~~(2)~~(1) Introduction to Restraints, Controls and Defensive techniques;
 - ~~(3)~~(2) Physical ~~Fitness/Warm-Up~~ Fitness, Warm-Up and Stretching Exercises;
 - ~~(4)~~(3) Response to Injury;
 - ~~(5)~~(4) Restraints, Controls and Defensive Techniques Basic Techniques;
 - ~~(6)~~(5) Restraint Applications; and
 - ~~(7)~~(6) RCDT Program ~~Student~~ Trainee Evaluation and ~~Testing~~ Testing.
- (e) The Commission-certified school that is certified to offer the Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques course is the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, Office of Staff Development and Training of the North Carolina Department of Public Safety.

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

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0302 ~~GENERAL~~ CRIMINAL JUSTICE INSTRUCTOR CERTIFICATION

- (a) A ~~General Criminal Justice~~ Criminal Justice Instructor Certification issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the ~~general~~ criminal justice instructor category shall not teach any of the subjects specified in Rule .0304 of this Section, entitled "Specialized Instructor Certification."
- (b) To qualify for issuance of Probationary Criminal Justice Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

- (1) Present documentary evidence showing that the applicant:
 - (A) is a high school, college, or university graduate or has received a high school equivalency credential as recognized by the issuing state; and
 - (B) has acquired four years of practical experience as a Criminal Justice Officer, an administrator or specialist in a field related to the criminal justice system, or as an employee of a Criminal Justice Agency;
- (2) Present evidence showing completion of a Commission-accredited criminal justice instructor training program or an equivalent instructor training ~~course; course, as described in Paragraph (f) of this Rule; and~~

- (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter.

- ~~(b)~~(c) Applications for Probationary Criminal Justice Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited criminal justice instructor training program.
- ~~(e)~~(d) Persons having completed a Commission-accredited training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall not be eligible for Probationary Criminal Justice Instructor Certification until the individual completes ~~complete~~ a subsequent Commission-accredited criminal justice instructor training course in its entirety by completing the requirements in Paragraph ~~(a)~~(b) of this Rule.
- ~~(d)~~(e) Out-of-State applicants having completed an equivalent instructor training course and who are certified or have been certified within two years prior to the submission of application to the Standards Division as an instructor in a Criminal Justice Program, as verified by the respective State Police Officer Standards and Training (POST) or Federal Law Enforcement Training Center FLETC or military POST organization, are eligible to apply for Probationary Criminal Justice Instructor Certification upon achieving a passing score of 75 percent on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter. The application shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination.
- ~~(e)~~(f) The Standards Division staff shall evaluate the out-of-state applicant's combined training and experience to determine if the combined training and experience is equivalent to or exceeds the requirements for Probationary Criminal Justice Instructor certification as prescribed in Subparagraphs ~~(a)~~(1)~~(b)~~(1) and (2) of this Rule and includes course topics in instructional leadership, liability, teaching adults, presentation styles, and written lesson plan preparation.
- ~~(f)~~(g) Applicants for Speed Measuring Instrument Instructor courses shall possess ~~probationary~~ Probationary or General Criminal Justice Instructor Certification.

Authority G.S. 17C-6.

12 NCAC 09B .0303 ~~GENERAL~~ TERMS AND CONDITIONS OF CRIMINAL JUSTICE INSTRUCTOR CERTIFICATION

- (a) An applicant meeting the requirements for certification as a ~~general~~ criminal justice instructor shall be in probationary status for a period not to exceed 12 months, until satisfying the requirements of Paragraph (b) of this Rule.
- (b) The probationary criminal justice instructor shall be eligible for general criminal justice instructor certification if the instructor submits to the Commission the following forms:
 - (1) a Form F-12, pursuant to 12 NCAC ~~09B .0301,~~ 09I .0101, signed by a certified School Director ~~of~~ or In-Service Training Coordinator, indicating a favorable recommendation; and

(2) a Form F-16, Commission Instructor Evaluation Form, pursuant to 12 NCAC ~~09B .0202~~ 09I .0101, indicating the Instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training ~~course~~, course per 12 NCAC 09E .0100, or training course pursuant to 12 NCAC 10B .0601, ~~12 NCAC 10B .1302~~, or ~~12 NCAC 10B .2005~~, during the probationary period. The Instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission.

(c) Probationary Criminal Justice Instructors may request an extension of up to one year to teach the eight hour minimum requirement. The Director may grant the requested extension for just cause based upon the circumstances that created the need for an extension. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

(d) The term of certification as a General Criminal Justice Instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. Probationary criminal justice instructors and general criminal justice instructors earning their initial certification are not required to complete ~~this~~ the refresher training in the year they are awarded their certification.

(e) If an instructor fails to meet the requirements of Paragraph (d) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule .0302 of this Section in order to obtain probationary criminal justice instructor status.

(f) The use of guest participants in a delivery of the Basic Law Enforcement Training Course is permissible. However, such guest participants shall be supervised on-site by a Commission-certified instructor and must be authorized by the School Director. A guest participant shall only be used to complement the primary ~~certified~~ Commission-certified instructor of the block of instruction and shall not replace or act as the primary instructor.

~~(g) "Commission recognized in service training" shall mean training meeting the following requirements:~~

- ~~(1) training is taught by an instructor certified by the Commission;~~
- ~~(2) training utilizes a lesson plan in the Instructional Systems Design format; and~~
- ~~(3) completion of training shall be demonstrated by a passing score on a written test as follows:~~
 - ~~(A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications~~

~~In Service Course is exempt from this written test requirement;~~

~~(B) a student shall pass each test by achieving at least 70 percent correct answers; and~~

~~(C) a student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re test. If the student fails the exam a second time, the student shall complete the in service training topic in a traditional classroom setting before taking the exam a third time.~~

~~(D) Topics delivered pursuant to 12 NCAC 09E .0104(1) shall not require written testing.~~

Authority G.S. 17C-6.

12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance.

(b) The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

(c) The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted. The instruction shall be provided in a Commission-approved basic training, Specialized Instructor ~~Training~~, Training per Rule .0304 of this Section, Commission-recognized in-service training ~~course~~, per 12 NCAC 09E .0100, training delivered pursuant to 12 NCAC 09F .0100 or 09H .0100, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Credit under this Rule shall also be given for hours of instruction provided to students by Specialized Firearms Instructors on the firearms range during a BLET or in-service firearms qualification course per 12 NCAC 09E .0106.

(d) An application for certification renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided as outlined in Paragraph (c) of this Rule, in a Commission approved basic training, Specialized Instructor Training, Commission-recognized in service training course, or training course delivered pursuant to 12 NCAC

- ~~10B .0601, .1302, or .2005.~~ Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates;
- (3) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on an Application for Instructor and Professional Lecturer Certification Form (Form F-12), pursuant to 12 NCAC 09I ~~.0101(a)(1), .0101,~~ stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided as outlined in Paragraph (c) of this Rule; in a Commission approved basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission recognized in service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;
- (4) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a ~~Commission approved basic training, Specialized Instructor Training, Commission recognized in service training course, or in service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005~~ course outlined in Paragraph (c) of this Rule during the three-year period of Specialized Instructor Certification. Such evaluation shall be presented on a Criminal Justice Instructor Evaluation Form F-16, pursuant to Rule .0202 of this Subchapter, and 12 NCAC 09I ~~.0101(a)(2); .0101;~~
- (5) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;
- (6) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal;
- (7) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores ~~Instructor~~ within the three-year period preceding the application for renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of ~~Pass~~ "Pass" on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations shall be administered by a certified Specialized Driving Instructor;
- (8) proof that the individual applying for renewal as a Specialized Compliance and Control Techniques (CCT) Instructor ~~(CCT)~~ has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training CCT course, administered by a certified Specialized CCT Instructor, within the three-year period preceding the application for renewal; and
- (9) Acceptable documentary evidence for proof of completion requirements as specified in Part (d)(3)-(8) of this Rule shall include the practical skill assessment submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator.
- (e) Certification as a Specialized Instructor in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(e), (h), (k), and (l) of this Section shall remain in effect for ~~36 months~~ three years from the date of issuance. During the ~~36-month term~~ three-year period all non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.
- (f) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Paragraph (b) of this Rule. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this

Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

(g) Upon expiration of their Specialized Instructor certification, instructors have 90 days to submit renewal documentation to the Division for review and approval. During this 90-day period, instructors are not permitted to teach any Commission-approved courses or blocks of instruction that require instruction by a Specialized Instructor outlined in 12 NCAC 09B .0304(a). The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted, however, such extension shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration ~~period~~ date.

(h) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year ~~time~~ period from when his or her Specialized Instructor Certification expired are eligible to apply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current ~~General~~ Criminal Justice Instructor certification;
- (2) has completed the pre-qualification skills assessment for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of ~~75~~; 80; and
- (4) has maintained non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas, if applicable.

(i) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment ~~and the state examination~~ for that specialty. Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity for re-examination on the comprehensive state exam for that specialty, as outlined in Rule .0414 of this Section. Should an applicant not achieve a passing score either on ~~either~~ the prequalification skills assessment or on the state examination and re-examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(j) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(k) After re-issuance of certification, the instructor shall complete eight hours of evaluated instruction in the specialty where re-issuance of certification is sought, as documented on an F-16, pursuant to 12 NCAC 09I .0101. ~~Form located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.~~ The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.

Authority G.S. 17C-6.

12 NCAC 09B .0306 PROFESSIONAL LECTURER CERTIFICATION

(a) The Commission may issue Professional Lecturer Certification to a person in a profession, who, by virtue of academic degrees and professional expertise has developed special knowledge in one or more of the following areas:

- (1) ~~Law~~ Law;
- (2) ~~Psychology~~ Psychology; or
- (3) ~~Medicine~~ Medicine.

(b) To be eligible for ~~such~~ Professional Lecturer certification, an applicant shall:

- (1) Have attained a degree from an institution of higher learning accredited by an accreditation agency recognized by the United States Department of Education in a subject listed in Paragraph (a) of this Rule;
- (2) Obtain the endorsement of a ~~Commission-recognized~~ Commission-certified School Director or In-Service Training Coordinator on a completed Form F-12, pursuant to 12 NCAC 09I .0101, who shall:
 - (A) ~~recommend the applicant for certification as a professional lecturer; and~~
 - (B) ~~describe the applicant's expected participation, topical areas, duties, and responsibilities in a delivery of Commission-certified training conducted by the school; and~~
 - (C) ~~describe the attributes showing the applicant to be a beneficial contributor to the delivery or presentation in a Commission-certified training program.~~

(c) Certification as a Professional Lecturer shall remain effective for 36 months from the date of issuance.

(d) During the 36-month period of certification, a certified professional lecturer may participate as an instructor in the Commission-accredited training courses and course topics for which certification is granted.

Authority G.S. 17C-6.

12 NCAC 09B .0307 TERMS AND CONDITIONS OF PROFESSIONAL LECTURER CERTIFICATION

Authority G.S. 17C-6.

12 NCAC 09B .0313 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICERS

(a) A "~~School~~ School Resource Officer (~~SRO~~)" (SRO) is defined as any law enforcement officer assigned to one or more public schools within a local school administrative unit, as defined in G.S. 115C-5(6), who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following:

- (1) School safety;

- (2) School security;
- (3) Emergency preparedness;
- (4) Emergency response; and
- (5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a School Resource Officer.

Any written memorandum of understanding between the local school administrative unit and the law enforcement agency governing the School Resource Officer shall be consistent with this Paragraph.

(b) Law enforcement officers assigned by their agency to perform duties as a School Resource Officer shall:

- (1) ~~have been issued~~ hold general certification by the North Carolina Criminal Justice Education and Training Standards Commission as a law enforcement officer; and
- (2) ~~have until December 31, 2020, to complete the basic School Resource Officer Training course, if they are acting in the capacity of a School Resource Officer between October 1, 2018 and December 31, 2019. Any officer assigned as a School Resource Officer effective January 1, 2020 or later shall complete the School Resource Officer Training course as developed by the North Carolina Justice Academy, pursuant to Paragraph (g) of this Rule, within one year after being assigned as a School Resource Officer. Law enforcement officers who previously completed the training pursuant to Paragraph (g) of this Rule and who have been continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with completion of the basic School Resource Officer Training. Law enforcement officers who completed the training pursuant to Paragraph (g) of this Rule between October 1, 2018 and December 31, 2020 shall be credited with completion of the basic School Resource Officer Training course even if they were not assigned as an SRO pursuant to Paragraph (a) of this Rule as long as they comply with the annual SRO refresher training pursuant to Paragraph (g) of this Rule.~~

(c) A law enforcement officer assigned to one or more public schools within a local school administrative unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial training as established by Paragraph (g) of this Rule shall not work in a school as a School Resource Officer until the officer has completed the initial training, ~~training as established by Paragraph (g) of this Section.~~

(d) The agency head shall submit to the Criminal Justice Standards Division a Form F-20 Commission School Resource Officer Assignment Form, pursuant to 12 NCAC 09I .0111. ~~Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F 20 is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-114-wpfd-law-enforcement>~~

~~and must be completed in its entirety. The Commission School Resource Officer Assignment Form consists of the following:~~

- (1) ~~applicant's name;~~
- (2) ~~date of birth;~~
- (3) ~~social security number;~~
- (4) ~~name of agency and address;~~
- (5) ~~date awarded general certification;~~
- (6) ~~completion date of School Resource Officer training; and~~
- (7) ~~date assigned as a School Resource Officer.~~

(e) The term of certification as a School Resource Officer shall be indefinite, provided the School Resource Officer completes during each calendar year a one hour basic School Resource Officer refresher training authored by North Carolina Justice Academy. ~~For School Resource Officers who complete the basic SRO training requirement in 2020 or earlier, this requirement shall be effective January 1, 2021. For SROs, this requirement shall be effective the year following the officer's successful completion of the basic School Resource Officer Training course.~~ A certified School Resource Officer who has not completed the refresher training during a calendar year as established by this Rule shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this Rule. Any refresher training deficiency must be made up on or before January 31st of the following calendar year.

(f) Instructors who teach a basic SRO course in an in-person traditional classroom format will receive credit toward the completion of the basic SRO course requirement as required by this Rule, provided that they pass all required tests, ~~tests required by the SRO Training Manual authored by the North Carolina Justice Academy. Instructors shall have their instruction documented by the Department Head or In Service Training Coordinator once completed.~~

(g) ~~The basic School Resource Officer Training course for law enforcement officers shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The basic School Resource Officer Training Course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385~~

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

12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS

(a) The diversion training courses for investigators and supervisors shall provide the trainee with the skills and knowledge to perform the duties of a law enforcement Diversion Investigator

or Supervisor. The diversion training course for investigators shall be 20 classroom hours delivered utilizing the Prescription Drug Diversion Investigator Certification Course developed by the North Carolina State Bureau of Investigation and North Carolina Justice Academy. The diversion training course for supervisors shall be administered in a four hour online training course utilizing the Prescription Drug Diversion Supervisor Certification Course developed by the North Carolina State Bureau of Investigation and North Carolina Justice Academy. To be certified as a Diversion Investigator or Diversion Supervisor the trainee shall complete the respective diversion training course and achieve a minimum score of 70 percent on the comprehensive written or online examination. The examination shall be an objective test covering the topic areas contained in the accredited course curriculum.

(b) Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited diversion training program. Persons having completed the Commission-accredited diversion training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited diversion training course in its entirety.

(c) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina Criminal Justice Education and Training Standards or North Carolina Sheriffs' Education and Training Standards Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. A trainee shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter, has been completed with passing scores and probationary or general law enforcement certification has been granted as outlined in 12 NCAC 09C .0303, 12 NCAC 09C .0304, 12 NCAC 10B .0403 or 12 NCAC 10B .0404. Sheriffs and appointed deputy sheriffs shall be allowed to participate in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter and 12 NCAC 09G .0411 and without being currently certified in a probationary status or holding justice officer certification.

(d) Special Agents with the North Carolina State Bureau of Investigation deemed Diversion Investigators as of July 1, 2019, shall be automatically granted certification under this Rule for a period of three years.

(e) The term of certification as a Diversion Investigator or Supervisor shall be three years. An application for renewal shall be received by the Criminal Justice Standards Division within 60 days prior to the current certification date and shall include the following:

- (1) proof that the applicant completed the one hour Diversion Investigator or Diversion Supervisor refresher training as provided by the North Carolina Justice Academy, and

- (2) a completed Diversion Investigator/Supervisor Application, Form ~~F-22(LE)~~ F-22(LE), pursuant to 12 NCAC 09I .0112.

~~(f) The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in G.S. 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6; 17E-4; 90-113.74E.

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

12 NCAC 09B .0404 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a Commission-accredited Basic Law Enforcement Training (BLET) Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class sessions for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances which precluded the trainee from attending a class session. However, in no case may excused or unexcused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make up for time missed during which a practical exercise was conducted shall be for a period of time spent in practicum equal to the average of the time each of the remaining students spent completing the practical exercise. Make-up work shall be documented on the F-26 BLET Student Absence/Make Up Training Report, pursuant to 12 NCAC 09I .0103. ~~Report. The F-26 BLET Student Absence/Make Up Training Report shall contain the following:~~

- (1) school/Academy Name;

- (2) ~~class Name;~~
- (3) ~~student name and ACADIS ID number;~~
- (4) ~~course topic, date, and hours missed;~~
- (5) ~~reason for missed time;~~
- (6) ~~student and School Director signatures;~~
- (7) ~~course topic and hours made up; and~~
- (8) ~~instructor name and signature.~~

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(e) The School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration of a waiver under Paragraph (d) of this Rule:

- (1) a memorandum justifying the absence waiver;
- (2) specific documentation related to the trainee's request; and
- (3) a training completion plan pursuant to Paragraph (c) of this Rule.

(f) A school director shall terminate a trainee from course participation or shall deny certification of successful course completion where the trainee is tardy to or departs early from four class meetings or field exercises.

(g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0210, .0212, ~~.0213~~, ~~.0214~~, .0215, ~~.0218~~, ~~.0219~~, ~~.0220~~, ~~.0221~~, ~~.0222~~, .0237, .0238, ~~.0239~~, ~~.0240~~, .0242, and the scheduled course hours exceed the requirements of the Commission, the trainee, upon the authorization of the school director, shall be deemed to have satisfactorily completed the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the instructional hours as required by the Commission.

(h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion.

(i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized Compliance and Control Tactics Instructor Training" course under Rule .0232

of this Subchapter, the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training" course under Rule .0417 of this Subchapter, or the "Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques" course under Rule .0241 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

(j) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0209, .0226, .0227, .0232, .0233, or .0417, the Director of the Criminal Justice Standards Division shall grant a waiver for completion of course requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the student from completing the entire course in one continuous course delivery.

(k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this ~~Subchapter~~, ~~the "Time Distance Instructor Training Course" under Rule .0211 of this Subchapter~~, Subchapter or the "LIDAR Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

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

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraphs (b) and (c) of this Rule during a scheduled delivery. The school director may develop supplemental requirements as set forth in Rule .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. For the purposes of this Rule, "limited enrollment" shall mean the requirement that a trainee complete only those specific courses and course hours in which the trainee is deficient. A trainee found deficient in more than two cognitive topical areas or motor skills shall be dismissed from the current training

delivery and shall be required to complete the entire training delivery in a subsequent session. For the purposes of this Rule, "deficiency" shall mean the cognitive topical area or motor skills that the trainee did not complete and which must be remediated.

(b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills by achieving a minimum score of 70 percent on each test. If a trainee scores below 70 percent on a cognitive topical area or motor skills test, the trainee shall have one opportunity for reexamination. A trainee shall be allowed failure and reexamination in no more than nine cognitive topical areas and motor skills. Upon initial failure of a tenth cognitive topical area or motor skills test, the trainee shall not be allowed reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of BLET in its entirety.

(c) A trainee who fails to achieve a minimum score of 70 percent on the reexamination of a cognitive topical area or motor skills test shall be considered deficient in the cognitive topical area or motor skill. A trainee who is deficient in no more than two cognitive topical areas and/or motor skills shall be eligible to remediate his or her deficiencies. Prior to remediating a cognitive topical area or motor skill, the School Director shall submit to the Division a Request for Deficiency Remediation, Form F-13, pursuant to 12 NCAC 09I .0103, which contains the trainee's name, instructor's name, and the remediation plan. The trainee shall:

- (1) complete the current course delivery and then shall be required to remediate the deficiency as a limited enrollee in a subsequent training course; or
- (2) remediate up to two deficiencies within the current course delivery with the approval of the Division Director.

(d) The Director of the Division shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET course but is deficient in not more than two cognitive topical areas or motor skill areas.

(e) An authorization of limited enrollment in a subsequent delivery of the BLET shall not be issued by the Standards Division unless, in addition to the evidence required by Paragraphs (a) through (d) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and
- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill identified by the school director as an area of trainee deficiency in the prior course participation, with the exception of the "Officer Health and Wellness" topical area.

(2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:

- (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
- (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified Specialized Physical Fitness Instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all

required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

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

12 NCAC 09B .0406 COMPREHENSIVE STATE EXAMINATION – BASIC LAW ENFORCEMENT TRAINING

(a) Within 60 days of the conclusion of a school's offering of the Commission-accredited Basic Law Enforcement Training Course, the Commission shall administer a comprehensive state examination online via the ~~Aeadis platform~~ North Carolina Justice Training and Certification Portal to each trainee who has completed all of the required course work pursuant to Rule .0405 of this Section. A trainee shall not be administered the comprehensive state examination until such time as all of the course work is completed or he or she is granted a medical waiver by the Director of the Criminal Justice Standards Division in accordance with Paragraph (e) of this Rule.

(b) A trainee shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly.

(c) A trainee who has completed a scheduled delivery of the Commission-accredited Basic Law Enforcement Training Course and has achieved a minimum score of 60 percent but below the passing score of 70 percent on the Commission's comprehensive state examination ~~the~~ is eligible for a re-examination of the Commission's comprehensive state examination.

- (1) The trainee's request for re-examination shall be made in writing on the ~~Commission's Re-Examination Request form~~ Commission Exam Admission Form (F-23), pursuant to 12 NCAC 09I .0102, and shall be received by the Standards Division within 30 days of the examination. ~~The examination request form shall include the following information:~~
 - (A) ~~first time examination training type;~~
 - (B) ~~trainee information; and~~
 - (C) ~~school information and appropriate signatures.~~
- (2) A trainee shall have, within 60 days of the original ~~examination(s)~~, examination, only one opportunity for re-examination and shall achieve a ~~passing~~ score of 70 ~~percent~~. percent to pass.
- (3) The trainee shall be assigned in writing by ~~the Director of the Standards Division staff~~ a place, time, and date for re-examination.
- (4) Should the trainee on re-examination not achieve a minimum score of 70 percent on the examination, the trainee shall not be eligible for probationary certification, as prescribed in 12 NCAC 09C .0303(d). The trainee shall enroll and complete a subsequent offering of the Basic Law Enforcement Training Course before further examination is permitted.

(d) A trainee who sustains injury prior to the final Police Officer Physical Abilities Test (POPAT) attempt and who achieved a passing score on the last attempt, who has completed the required coursework with the exception of the final POPAT, may request from the Director of the Criminal Justice Standards Division a medical waiver to take the comprehensive written examination prior to completion of the final POPAT. The medical waiver request shall include the following information:

- (1) a memorandum from the School Director justifying a medical waiver;
- (2) copies of the last POPAT assessment; and
- (3) medical documentation from a physician, physician assistant, or nurse practitioner, holding a current medical license, showing the diagnosis of the injury and the estimated medical release date.

Upon receipt of the information contained in this Paragraph, the Director of the Criminal Justice Standards Division shall approve the medical waiver request. The School Director shall submit the medical waiver approval from the Director of the Criminal Justice Standards Division with the comprehensive state examination admission form. The trainee must complete the final POPAT attempt within 120 calendar days of the original comprehensive state examination date.

(f) A trainee who fails to achieve a minimum score of 60 percent on the comprehensive state examination shall not be given the opportunity for ~~re-examination~~. re-examination and is eligible to enroll in a subsequent offering of the Commission-accredited Basic Law Enforcement Training Course.

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

12 NCAC 09B .0410 COMPLETION OF CRIMINAL JUSTICE INSTRUCTOR TRAINING COURSE

(a) To successfully complete the "Criminal Justice Instructor Training Course" the trainee shall:

- (1) complete all of the required course work pursuant to 12 NCAC 09B ~~.0209~~. .0209;
- (2) ~~All trainee presentations shall have met the criteria and conditions for all presentations, as determined by the evaluating Commission-certified Criminal Justice Instructor; specified in the course orientation of the "Instructor Training Manual" as published by the North Carolina Justice Academy; and~~
 - (2)(3) attain the passing score on each performance area, as determined by the evaluating Commission-certified Criminal Justice Instructor, area as specified in the course abstract of the "Instructor Manual" for the final written lesson plan and final 70-minute presentation.

(b) Should a trainee fail to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.

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

12 NCAC 09B .0411 COMPREHENSIVE WRITTEN EXAM -- LOCAL CONFINEMENT FACILITY

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

12 NCAC 09B .0412 SATISFACTION OF MINIMUM TRAINING -- LOCAL CONFINEMENT FACILITY

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

12 NCAC 09B .0413 COMPREHENSIVE WRITTEN STATE EXAM - INSTRUCTOR TRAINING

(a) The Director of the Standards Division, or his designee, shall administer a comprehensive ~~written state~~ examination to each trainee who has completed the first 12 units of the "~~Criminal Criminal~~ Justice Instructor Training Course" ~~Course as described in the "Basic Instructor Training Manual."~~ outlined in Rule .0209(b) of this Subchapter. This comprehensive ~~written state~~ examination shall be administered within 60 days of the completion of the first 12 units of the "~~Criminal Criminal~~ Justice Instructor Training Course, ~~as specified in Rule .0209 of this Subchapter.~~ Course.

(b) The examination shall be an objective test covering the topic areas contained in the accredited course curriculum.

(c) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each trainee examined.

(d) A trainee shall achieve a passing score on the comprehensive ~~written state~~ examination if he or she achieves a minimum of ~~75~~ 80 percent correct answers.

(e) A trainee who has participated in a scheduled delivery of an accredited training course and has demonstrated competence in each performance area of the course curriculum, who has scored at least ~~65~~ 70 percent but has failed to achieve the minimum passing score of ~~75~~ 80 percent on the Commission's comprehensive ~~written state~~ examination, may request the Director of the Standards Division to authorize a re-examination of the trainee under the following requirements:

- (1) The trainee's request for re-examination shall be made in writing on the ~~Commission's Re-Examination Request form, located on the agency's~~ website: http://www.ncdoj.gov/getdoc/b38b7eece3114ee38fdebd8fd58f6281/SMI_6_Reexam_6-11.aspx Commission Exam Admission Form (F-23), pursuant to 12 NCAC 09I .0102. The ~~Re-Examination Request~~ form shall be received by the Standards Division within 30 days of the examination;
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course;
- (3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination; and

(4) The trainee shall be notified in writing by ~~the~~ Standards Division staff of a place, time, and date for re-examination.

(f) Should the trainee not achieve a passing score of 80 percent on the ~~re-examination~~ re-examination, the trainee shall not be given course ~~completion~~ completion, pursuant to Rule .0410 of this Subchapter, and shall enroll and complete a subsequent offering of the criminal justice instructor course before further examination may be permitted.

(g) A trainee who fails to score at least ~~65~~ 70 percent on the Commission's comprehensive ~~written state~~ examination shall not be eligible for re-examination, and shall complete a subsequent offering of the criminal justice instructor training course before further examination may be permitted.

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

12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR

(a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Compliance and Control Tactics Instructor Training," "Specialized Physical Fitness Instructor," and the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training" courses, the trainee shall ~~satisfactorily~~ complete all required coursework and demonstrate proficiency in all required motor-skill and performance subjects as specified in 12 NCAC 09B .0226, .0227, .0232, .0233, or .0417 of this Section.

(b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be authorized one opportunity for a re-test. Such re-test ~~must~~ shall be completed during the original course and prior to the ~~trainee's~~ trainee being administered the comprehensive state examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent ~~course.~~ course before further examination is permitted.

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

12 NCAC 09B .0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Explosives and Hazardous Materials Instructor Certification shall consist of a minimum of 59 hours of classroom instruction plus time required to complete Instructor Practicums presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;

PROPOSED RULES

- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Explosives and Hazardous Materials Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice explosives and hazardous materials instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Explosives and Hazardous Materials Instructor Training shall:

- (1) have completed either:
 - (A) the criminal justice instructor training ~~course;~~ course, pursuant to Rule .0209 of this Subchapter; or
 - (B) the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with application in education, military training, and private enterprise;
- (2) present a written endorsement by either:
 - (A) a certified school director indicating the student will be utilized to instruct explosives and hazardous materials in Basic Law Enforcement Training Courses; or
 - (B) ~~a department~~ an agency head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct explosives and hazardous materials training in the Law Enforcement Officer's Annual In-Service Training Program; and
- (3) present a completed OSHA Respirator Medical Evaluation Questionnaire, accompanied by a statement from a licensed medical professional stating the applicant is physically fit to participate in the course.

(d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) Orientation 2 Hours
- (2) Introduction to Hazardous Materials 1 Hour
- (3) Hazardous Materials Identification 2.5 Hours
- (4) Awareness Level Actions at Hazardous Materials Incidents 1.5 Hours

- (5) Chemical Properties and Hazardous Materials Behavior 3 Hours
- (6) Incident Management 3 Hours
- (7) Strategic Goals and Tactical Objectives 3.5 Hours
- (8) Terrorist and Other Criminal Activity 5 Hours
- (9) Personal Protective Equipment 5 Hours
- (10) Decontamination 5 Hours
- (11) Product Control 4 Hours
- (12) Air Monitoring and Sampling 1.5 Hours
- (13) Victim Rescue and Recovery 4 Hours
- (14) Evidence Preservation and Sampling 3 Hours
- (15) Illicit Laboratories 2 Hours
- (16) Introduction to Explosive Devices 1 Hour
- (17) Improvised Explosive Device Anatomy 2 Hours
- (18) Packaged Improvised Explosive Devices 1 Hour
- (19) Suicide/Homicide Improvised Explosive Devices 1 Hour
- (20) Vehicle Borne Improvised Explosive Devices 1 Hour
- (21) Radio Controlled Improvised Explosive Devices with Live Demonstration 5 Hours
- (22) Improvised Explosive Device Threat Response 1 Hour
- (23) Explosives and Hazardous Materials Emergencies and BLET Lesson Plan Review 1 Hour
- (24) Completion of tasks associated with Instructor Practicums shall consist of a minimum of 20 hours. Practicums. ~~The number of required hours to complete this portion of the curriculum shall be based on the number of students and instructors.~~

~~(e) The basic curriculum for delivery of the Specialized Explosives and Hazardous Materials Instructor Training course shall be the "Specialized Explosives and Hazardous Materials Instructor Training Manual," as published by the North Carolina Justice Academy. Copies of these publications may be inspected at the agency:~~

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610
and may be obtained at no cost to the student from the Academy at the following address:
North Carolina Justice Academy
Post Office Box 99

~~Salemburg, North Carolina 28385~~

~~(c)~~ The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials Instructor Training course.

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

12 NCAC 09B .0418 COMPREHENSIVE STATE EXAM – JUVENILE JUSTICE OFFICER AND JUVENILE COURT COUNSELOR BASIC TRAINING

(a) Division staff shall administer a comprehensive state examination within 60 days of the completed required coursework for the following courses:

- (1) Basic Training for Juvenile Court Counselors, pursuant to Rule .0235 of this Subchapter; and
- (2) Basic Training for Juvenile Justice Officers, pursuant to Rule .0236 of this Subchapter.

(b) The examination shall consist of an objective test covering the subject areas outlined in the approved course curriculum.

(c) A trainee shall achieve a minimum passing score of 70 percent on the comprehensive state examination.

(d) A trainee who has failed to achieve a passing score of 70 percent but has scored at least 60 percent on the comprehensive state examination shall be eligible for re-examination with the following conditions:

- (1) the trainee must submit to the Division a request for re-examination on the Commission Exam Admission Form (F-23), pursuant to 12 NCAC 09I .0102, within 30 days following the initial exam;
- (2) the trainee shall have only one opportunity for re-examination that must be completed within 60 days of the initial exam; and
- (3) a trainee who fails to achieve the minimum passing score of 70 percent on the re-examination shall enroll in and complete a subsequent offering of the appropriate basic training course before further examination is permitted.

(e) A trainee who fails to achieve a minimum score of 60 percent on the initial examination shall not be eligible for re-examination. The trainee shall enroll in and complete a subsequent offering of the appropriate basic training course before further examination is permitted.

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

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0103 STATE OR LOCAL LAW ENFORCEMENT AGENCY HEAD RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING

The State or local law enforcement agency head, for any agency employing individuals certified as law enforcement officers, shall ensure that the annual in-service training is conducted according

to specifications pursuant to 12 NCAC 09E .0111. In addition, the State or local law enforcement agency head or designated representative shall:

- ~~(1)~~ ensure all annual in-service training topics are delivered either in person or through the North Carolina Justice Training and Certification portal, or by a North Carolina community college;
- ~~(2)~~(1) review departmental policies regarding the use of force during the agency's annual in-service training program;
- ~~(3)~~(2) report to the Criminal Justice Standards Division once each calendar year a roster of all law enforcement officers who fail to successfully complete the annual in-service training pursuant to 12 NCAC 09E .0111, and shall certify that all law enforcement officers in the agency not listed did successfully complete the training. This roster shall reflect the annual in-service status of all law enforcement officers employed by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later than the following January 15th. Officers having completed Basic Law Enforcement Training as a full-time student or lateral transfer and passed the comprehensive state final examination in this same calendar year must complete the annual in-service training for the year if they were sworn in between January 1st and June 30th of that year. Officers sworn in between July 1st and December 31st must complete the annual in-service training by June 30th of the following year;
- ~~(4)~~(3) maintain in each officer's file documentation that the officer has completed the annual in-service training requirement;
- (4) maintain documentation outlined in Rule .0104(7) of this Subchapter for a period of time that is consistent with the Records Retention and Disposition Schedule of the Government Records Section of the Division of Archives and Records of the North Carolina Department of Natural and Cultural Resources;
- (5) where the officer fails to successfully qualify with any of the weapons specified in Rule 09E ~~.0106(a) and (b)~~ .0106(a) of this Section, prohibit access to such weapon(s) until such time as the officer obtains qualification;
- (6) where the officer fails to successfully qualify with any of the weapons specified in Rule 09E ~~.0106(d)~~ .0106(k) of this Section, prohibit the possession of such weapon(s) while on duty or when acting in the discharge of that agency's official duties, and shall deny the officer authorization to carry such weapon(s) concealed when off-duty, except when the officer is on his own premises; and

- (7) where an officer has access to any specialized or tactical weapon(s) not specifically covered in Rule ~~.0106(a) and (b)~~ .0106 of this Section, prohibit the officer's use of the weapon(s) while engaged in the officer's official capacity unless the agency head determines the officer is competent to use the weapon in a lawful and prudent manner based upon the officer's experience, training, education, and disciplinary record.

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

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, ~~09B~~ .0304, and ~~09B~~ .0306, except for instructors who exclusively deliver:
 - (a) CPR certifications that include cognitive and skills testing;
 - (b) use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (c) Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.
- (2) Each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-approved in-service training course shall complete all instructor training required by this Chapter.
- (3) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training before delivering the topic of instruction.
- (4) Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching before delivering the topic of instruction.
- (5) Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service

- training requirements, provided that they pass all required tests, as outlined in this section, and have their instruction documented by the Agency Head or In-Service Training Coordinator once completed.
- (6) The instructor shall deliver the training consistent with the specifications established in Rule .0106 and .0111 of this Section.
- (7) The instructor shall report the successful or unsuccessful completion of training for each officer to the Agency Head. For firearms qualification, pursuant to .0106 of this Subchapter, the specialized firearms instructor shall also document the target used, the scoring matrix used, and the course of fire.
- (8) When the officer fails to qualify with a weapon, the instructor shall inform the officer of the failure to qualify. The instructor shall then provide the officer with Firearms Qualification Record Form ~~F-9A~~ F-9A, pursuant to 12 NCAC ~~09I .0114~~, which the officer is required to sign. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Agency Head or designated representative within 24 hours of the qualification failure. Additionally, the instructor shall provide this form to the Agency Head or designated representative within 72 hours of the qualification failure. ~~The Form F-9A Firearms Qualification Record shall contain the following:~~
 - (a) ~~officer's name and appointing agency;~~
 - (b) ~~instructor's name and signature;~~
 - (c) ~~date the classroom section was completed;~~
 - (d) ~~officer's acknowledgment of qualification scores; and~~
 - (e) ~~firearms score sheet.~~

~~All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.~~

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

12 NCAC 09E .0106 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS

- (a) All certified law enforcement officers shall qualify for both day and low-light use with each department-approved service handgun prior to carrying the handgun in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(5) and (6), and at least once each calendar year thereafter. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. Qualification shall consist of either completion of a BLET firearms qualification course, pursuant to 12 NCAC 09B .0205, or completion of firearms qualification as specified in this Rule. In the discretion of the Agency Head, a law enforcement agency may allow the use of specialized sights as part of any course of fire in the Day Accuracy Qualification course, Low-Light Accuracy Qualification course, Day Decision

Making Qualification course, or Low-Light Decision Making Qualification course.

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy Qualification:

- (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines and shall consist of a minimum of four rounds fired from each yard line and no more than the following percentage of shots rounds fired at each yard line:
 - (A) 3 yard line: ~~40%~~ 12%;
 - (B) 5 yard line: ~~12%~~ 12%;
 - (C) 7 yard line: ~~30%~~ 40%;
 - (D) 10 yard line: ~~20%~~ 20%;
 - (E) 15 yard line: ~~25%~~ 30%; and
 - (F) 25 yard line: ~~20%~~ 30%.
- (3) Firing at least two rounds from each of the following positions:
 - (A) Standing;
 - (B) ~~Kneeling, Kneeling; and~~ Kneeling; and
 - (C) Barricade.
 - (D) Prone is optional based on the agency's preference.
- (4) Firing at least two rounds using the dominant hand only;
- (5) Firing at least two rounds using the support hand only;
- (6) ~~Fire after drawing from the holster~~ At least one stage of fire must include a mandatory magazine change; and
- (7) ~~At least one stage that includes a mandatory magazine change Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.~~

(c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light Accuracy Qualification:

- (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines and shall consist of a minimum of four rounds fired from each yard line and no more than the following percentage of shots rounds fired at each yard line: line, using the lighting as specified:
 - (A) 3 yard line: ~~43%~~ 20% - the use of no light is required;
 - (B) 5 yard line: ~~26%~~ 30% - using only a flashlight is required;
 - (C) 7 yard line: ~~24%~~ 30% - using only blue lights is required;

- (D) 10 yard line: ~~24%~~ 30% - using only blue lights and low-beam headlights is required;
- (E) 15 yard line: ~~24%~~ 30% - using only blue lights and low-beam or high-beam headlights is required; and
- (F) At the 5, 7, 10, and 15 yard lines, in addition to the lighting as specified above, the agency can allow officers to also use a weapon-mounted light.
- (3) Firing at least two rounds from the following positions:
 - (A) Standing;
 - (B) Kneeling; and
 - (C) Barricade and Prone are optional based on the agency's preference.
- (4) Firing at least two rounds using the dominant hand only;
- (5) Firing at least two rounds using the support hand only;
- (6) ~~Firing after drawing from the holster~~ At least one stage of fire must include a mandatory magazine change; and
- (7) ~~At least one stage that includes a mandatory magazine change Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.~~
- (8) ~~At least one stage that includes the required use of a flashlight or weapon-mounted light~~
- (9) ~~At least one stage that includes the use of blue lights~~
- (10) ~~At least one stage that includes the use of low-beam headlights and blue lights.~~
- (11) ~~At least one stage that includes the use of headlights, blue lights, and all available lighting.~~

(d) All certified law enforcement officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(e) The Decision Making Qualification course shall meet the following minimum requirements:

- (1) Day Decision Making Qualification:
 - (A) No fewer than three decision points within the course;
 - (B) Required target discrimination decision (shoot/no-shoot);
 - (C) Required articulation by the officer of a minimum of two decisions made during the course; and
 - (D) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing

performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

- (2) Low-Light Decision Making Qualification:
 - (A) No fewer than three decision points within the course;
 - (B) Required target discrimination decision (shoot/no-shoot);
 - (C) Required use of a flashlight, weapon mounted light, or other shooter-controlled light source;
 - (D) Required articulation by the officer of a minimum of two decisions made during the course; and
 - (E) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency, and made available for audit.

(f) If an officer's service handgun firearm is replaced with another service handgun firearm of the same make and model, the officer shall complete the Day Accuracy Qualification with the new service handgun firearm within 15 days of issuance. If an officer's service firearm is replaced with another service firearm of a different make, different model, or with a different sighting system, the officer must meet the requirements outlined in Paragraphs (a) or (g) of this Rule.

(g) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and low-light use prior to carrying the weapon in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(5) and (6), and at least once each calendar year thereafter.

(h) The accuracy qualification courses required by Paragraphs (a) through (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.

(i) All certified law enforcement officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon respectively, in compliance with the manufacturers specifications or certification requirements prior to carrying the weapon in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(7), and as required by the manufacturer thereafter.

(j) For the purposes of this Rule, low light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: https://aa.usno.navy.mil/data/RS_OneYear) for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to a low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(k) Pursuant to G.S. 14-269 and the Law Enforcement Officers Safety Act of 2004, H.R.218, 108th Cong. (2004), (located here: <https://www.congress.gov/bill/108th-congress/house-bill/218>), all certified law enforcement officers who are authorized to carry an off-duty or secondary handgun shall qualify with each such handgun consistent with the specifications outlined in Paragraphs (a) through (c) of this Rule.

(l) To satisfy the requirements for all firearms accuracy qualifications, an officer shall attain at least 80 percent accuracy with each weapon.

(m) To satisfy the requirements for all decision making qualification courses, an officer shall attain a passing score as outlined by the specific courses scoring matrix.

(n) Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) ~~No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed. Between each qualification attempt by an individual officer, but not during a qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.~~
- (5) Shall be completed with each weapon for which qualification is required.
- (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (7) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.

(o) Each Day Decision Making Qualification course and Low-Light Decision Making Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) ~~No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed. Between each qualification attempt by an individual officer, but not during a qualification attempt,~~

any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.

- (5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (6) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.
- (7) Simulators, including virtual reality simulator headsets, are permitted for use during a Decision Making Qualification course, provided a Commission-certified Specialized Firearms Instructor is present to supervise.
- (8) Non-lethal ammunition, such as force-on-force ammunition, Simunitions, and paintballs, is permitted for use during a Decision Making Qualification course.

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

12 NCAC 09E .0111 COMPLETION OF ANNUAL IN-SERVICE TRAINING

- (a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards Commission shall complete annual in-service training as outlined in 12 NCAC 09E .0108.
- (b) Failure to complete all topics required for the annual in-service training shall result in the law enforcement officer's certification being summarily suspended, pursuant to 12 NCAC 09E .0108.
- (c) All annual in-service training topics identified by the Commission shall be taken developed by the North Carolina Justice Academy and completed in-person or through the North Carolina Justice Training and Certification portal, portal, or by a North Carolina community college. Training topics not developed by the North Carolina Justice Academy, completed as agency 'topics of choice', may be developed and delivered in-person or virtually, pursuant to 12 NCAC 09E .0108.
- (d) All annual in-service training involving motor skills assessment and/or qualification shall be conducted in person using certified Specialized Instructors, pursuant to 12 NCAC 09B .0304.

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

SUBCHAPTER 09I – FORMS FOR CRIMINAL JUSTICE EMPLOYMENT, EDUCATION, AND TRAINING

SECTION .0100- FORMS FOR USE IN TRAINING PROGRAMS AND INSTRUCTOR CERTIFICATION

12 NCAC 09I .0111 SCHOOL RESOURCE OFFICER (SRO) FORMS

Form F-20, Commission School Resource Officer Assignment Form, shall be used by individuals to apply for SRO certification, pursuant to 12 NCAC 09B .0313, and shall include the following:

- (1) applicant's name;
- (2) date of birth;
- (3) social security number;
- (4) name of agency and address;
- (5) date awarded general certification;
- (6) completion date of School Resource Officer training; and
- (7) date assigned as a School Resource Officer.

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

12 NCAC 09I .0112 DIVERSION INVESTIGATOR AND SUPERVISOR FORMS

Form F-22(LE), Diversion Investigator/Supervisor Application, shall be used by individuals to apply for certification as a Diversion Investigator or Supervisor, pursuant to 12 NCAC 09B .0314, and shall include the following:

- (1) Original or renewal application type;
- (2) Type of certification applying for;
- (3) Agency name, phone number, and address;
- (4) Applicant name, date of birth, and email address;
- (5) Dates and locations of Diversion Investigator course and exam;
- (6) Dates and locations of Diversion Investigator Supervisor course and exam, if applicable; and
- (7) Name, email address, signature, and date signed of agency head or designee.

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

12 NCAC 09I .0113 ELECTRONIC SPEED-MEASURING SYSTEM (ESMS) FORMS

The following Commission-approved forms shall be used for the application for approval of electronic speed-measuring systems, the application for ESMS Technician certification, and for ESMS calibration and accuracy testing, pursuant to 12 NCAC 09A .0301:

- (1) Form ESMS-1, Application for ESMS Approval, shall include the following:
 - (a) Manufacturer name;
 - (b) Name, model, and serial number of unit;
 - (c) Type of system (RADAR or LIDAR);
 - (d) System modes and features;
 - (e) Indication that the system meets the standards established in G.S. 8-50.4, 160A-300.4, 153A-246.1, and 17C-6(a) and outlined in "School Zone Electronic Speed-Measuring System Requirements," pursuant to 12 NCAC 09A .0301(b);

- (f) Name, email address, and phone number of individual submitting the form; and
- (g) Signature of individual submitting the form and date signed.
- (2) Form ESMS-2, Application for ESMS Technician, shall include the following:
 - (a) Applicant name, date of birth, Social Security Number, and Academy ID number;
 - (b) Applicant email address, phone number, and home address;
 - (c) Applicant signature and date signed; and
 - (b) Attached copy of the applicant's general radiotelephone operator license from the Federal Communications Commission or a Certified Electronics Technician certificate issued by a Federal Communications Commission Commercial Operators License Examination Manager.
- (3) Form ESMS-3, Annual ESMS Accuracy Testing (RADAR), shall include the following:
 - (a) Name of evaluating ESMS Technician;
 - (b) Date and location of testing;
 - (c) Name, manufacturer, model, and serial number of ESMS;
 - (e) Accuracy test results;
 - (f) Signature of the evaluating ESMS Technician verifying that the instrument passed all required tests.
- (4) Form ESMS-4, Annual ESMS Accuracy Testing (LIDAR), shall include the following:
 - (a) Name of evaluating ESMS Technician;
 - (b) Date and location of testing;
 - (c) Name, manufacturer, model, and serial number of ESMS;
 - (e) Accuracy test results;
 - (f) Signature of the evaluating ESMS Technician verifying that the instrument passed all required tests.
- (b) title and signature of agency head or authorized representative and date signed; and
- (c) name, Academy ID number, and home address for each officer that did not complete the annual in-service training.
- (2) Form F-9A, Firearms Qualification Record, shall include the following:
 - (a) officer's name and appointing agency;
 - (b) instructor's name and signature;
 - (c) date the classroom section was completed;
 - (d) officer's acknowledgment of qualification scores; and
 - (e) firearms score sheet, including each of the officer's qualification scores as verified by the signature of a Commission-certified specialized instructor who was present during the qualification.
- (3) Form F-9B, Report of Non-Compliance of Mandatory In-Service Training, shall include the following:
 - (a) officer's name, Academy ID number, home mailing address;
 - (b) agency name;
 - (c) whether the officer is requesting a medical waiver, a military waiver, or neither;
 - (d) name and signature of agency head or authorized representative;
 - (e) which annual in-service training topics the officer did not complete; and
 - (f) medical or military documentation attached, if applicable.
- (4) Form F-9C, Return to Duty Request, shall include the following:
 - (a) officer's name and Academy ID number;
 - (b) agency name;
 - (c) officer's current certification status;
 - (d) completion date, number of credits, and topic for each block of in-service training completed;
 - (e) name and signature of agency authorized representative and date signed; and
 - (f) military release orders, medical return to duty paperwork, or documentation of completion of firearms qualification attached, if applicable.
- (5) Form F-9D, Delayed Completion of Required MIST, shall include the following:
 - (a) officer's name and Academy ID number;
 - (b) agency name;

Authority G.S. 8-50.4; 17C-6; 153A-246.1; 160A-300.4.

12 NCAC 09I.0114 ANNUAL IN-SERVICE TRAINING FORMS

The following Commission-approved forms shall be used by individuals, instructors, and agencies for the purpose of recording and reporting annual in-service training, pursuant to 12 NCAC 09E .0100:

- (1) Form F-9, In-Service Compliance Report, shall include the following:
 - (a) agency name, phone number, and mailing address;

- (c) completion date, number of credits, and topic, for each block of in-service training completed; and
- (d) name and signature of agency authorized representative and date signed.

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

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Criminal Justice Education and Training Standards Commission intends to adopt the rules cited as 12 NCAC 09I .0108, .0110, and readopt with substantive changes the rules cited as 12 NCAC 09B .0202, .0304, and .0308.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/commission-meeting-information/>

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: July 31, 2026

Time: 9:00 A.M.

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>

Reason for Proposed Action: To update responsibilities of certified School Directors. To update exam requirements for Specialized Instructor Training courses and Radar Instructor Training courses. To outline the contents of forms for Juvenile Justice and Adult Correction basic training courses and the contents of Juvenile Justice certification forms.

Comments may be submitted to: Holly Cardoza, 1700 Tryon Park Dr, Garner, NC 27529; phone (919) 661-5991; email hcardoza@ncdoj.gov

Comment period ends: July 31, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

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

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission, pursuant to 12 NCAC 09B .0301;
- (3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials, as specified in Rules .0205, .0209, .0210, ~~.0211~~, .0212, ~~.0213~~, ~~.0214~~, .0226, .0227, .0232, .0233, .0235, .0236, .0237, .0238, .0241, .0313, .0314, or .0410 of this Subchapter;
- (4) Arrange for the availability of audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- (5) Develop, reproduce, and distribute any requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- (6) Administer the course delivery in accordance with Commission approved lesson plans, pursuant to Subparagraph (a)(3) of this Rule;
- (7) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning,

- development, presentation, or administration of a course has been ~~delegated~~. delegated;
- (8) Within 48 hours, notify the Division in writing of any schedule changes for an ongoing Commission-approved course. Schedule changes include changes to training times, blocks of instruction, training locations, and any other content included on the approved Pre-Delivery Report (F-10A) for the course, as prescribed in 12 NCAC 09I .0102. Notification shall include an explanation of and reasoning for the schedule change from the School Director or a qualified assistant;
- (9) Within 48 hours, notify the Division of an instance of illness or injury requiring or resulting in medical assistance or hospitalization of a student enrolled in a Commission-approved course. Notification shall consist of a completed Student Injury Report pursuant to 12 NCAC 09I .0103 and 12 NCAC 09I .0105;
- (10) Within five business days of the qualifying event, notify the Division in writing of:
- (A) the removal by the School Director, school, training program, or employing institution of a Commission-certified instructor from a Commission-accredited course delivery; or
- (B) the opening by the school, training program, or employing institution of an internal investigation, disciplinary proceeding, or pre-disciplinary proceeding which a Commission-certified instructor is the subject of and which contains allegations that could constitute conduct outlined in 12 NCAC 09B .0301(e) or could otherwise be considered a failure to meet or maintain requirements for instructor certification, pursuant to 12 NCAC 09B .0300.

Written notification shall include the name of the instructor; name of the school or agency; name of the Commission-accredited courses for which the instructor is planned to teach, currently teaching, or removed from; dates and explanation of the qualifying event or conduct which resulted in the instructor's removal, investigation, or proceeding; and explanation of action taken by the School Director, training program, or school.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-accredited Basic Law Enforcement Training Course, the School Director shall:

- (1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency

pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (A) Whether instruction has begun in the course or whether course initiation may be postponed;
- (B) The risk of harm to students that may be caused by continuation of the course;
- (C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (D) The specific need for the waiver; and
- (E) The degree of benefit to the public in allowing a break in instruction. Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;
- (2) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (3) With the exception of the First Responder, Officer Health and Wellness, Explosives and Hazardous Materials Emergencies, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;
- (4) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical areas ~~Subject Control Arrest Techniques or~~ Compliance and Control Tactics;
- (5) Schedule no single individual to instruct more than ~~35 percent of the total hours of the 640-hour curriculum or~~ 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (6) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC ~~09C .0211;~~ 09I .0102;
- (7) Submit a copy of any rules and requirements for the school. A copy of those rules shall also be

- given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan, pursuant to Subparagraph (a)(3) of this Rule. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form ~~F-16~~ F-16), pursuant to 12 NCAC 09I .0101, and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated. ~~The Criminal Justice Evaluation (Form F-16) shall contain the following information:~~
- (A) ~~Instructor's name, date of birth, and Acadis ID number;~~
 - (B) ~~Evaluator's name, and Acadis ID number;~~
 - (C) ~~Block of instruction, date, location, and total hours of instruction;~~
 - (D) ~~Scores for Instructional Ability and Strategies; and~~
 - (E) ~~Presentation Evaluation Criteria.~~
- (9) Administer or designate a Qualified Assistant to administer course specific tests during course delivery:
- (A) to determine and record the level of trainee comprehension and retention of instructional subject matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule ~~.0405(a)(3)~~ .0405(a) of this Subchapter; and
- (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the North Carolina Justice Training and Certification portal, Acadis platform, and submit to the Commission a Post-Delivery Report of Training Course Presentation (~~Form F-10B~~), (Web Form F-10B), pursuant to 12 NCAC 09I .0102.
- (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:
- (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;
 - (2) Schedule evaluators as follows:
 - (A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
 - (B) each instructor and evaluator shall have completed an instructor training orientation program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation. The completion of an instructor training orientation program shall be documented in the Acadis platform, North Carolina Justice Training and Certification portal.
 - (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation, Form F-10A, pursuant to 12 NCAC 09I .0102, with the following attachments:

- (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
 - (B) the names and Academy ID Acadis identification numbers of all instructors and evaluators; and
 - (C) a copy of any rules and requirements for the school; and
- (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report of Training Course Presentation Form F-10B, pursuant to 12 NCAC 09I .0102, containing the following:
- (A) class enrollment roster;
 - (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
 - (C) scores recorded for each trainee on the 70 minute skill presentation; and
 - (D) designation of trainees who completed the course in its entirety.
- (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, ~~RADAR and Time Distance, Time Distance, or LIDAR~~ RADAR/LIDAR, or LIDAR speed ~~measurement measuring instrument~~ (SMI) operator training course or re-certification course, the School Director shall:
- (1) select and schedule ~~speed measurement instrument SMI~~ SMI instructors who are certified by the Commission as ~~instructors~~ instructors, pursuant to .0237 and .0308 of this Subchapter, for the specific speed ~~measurement measuring~~ instruments in which the trainees are to receive instruction;
 - (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Training Course Presentation, Form F-10A, ~~that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument; pursuant to 12 NCAC 09I .0102;~~ and
 - (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a ~~certified RADAR, RADAR and Time Distance, Time Distance, or LIDAR speed measurement~~ a RADAR, LIDAR, or RADAR/LIDAR operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation, Form ~~F-10B, F-10B,~~ F-10B, pursuant to 12 NCAC 09I .0102. This report shall include

the original motor-skill examination ~~form(s)~~ forms completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

Authority G.S. 17C-6.

**SECTION .0300 - MINIMUM STANDARDS FOR
CRIMINAL JUSTICE INSTRUCTORS**

**12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR
CERTIFICATION**

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

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

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

(c) An applicant shall achieve a minimum score of ~~75~~ 80 percent on the comprehensive ~~written state~~ exam, as specified in Rule .0414 of this Subchapter, in order to qualify for Specialized Instructor Certification in the following topical areas:

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

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

- (1) Hold ~~General~~ probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
- (2) Complete the Commission-approved specialized Compliance and Control Tactics

instructor ~~course~~; course, as specified in Rule .0232 of this Subchapter; and

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

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

- (1) The first ~~option~~ method is:
 - (A) ~~Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council;~~
 - (B)(A) Hold, or have held, basic Emergency Medical Technician certification;
 - (C)(B) Have completed the Department of Transportation's 40 hour EMT Instructor Course or equivalent within the last three years or hold a North Carolina Professional Educator's License, issued by the Department of Public Instruction; and
 - (D)(C) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (2) The second ~~option~~ method is:
 - (A) Hold General probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
 - (B) ~~Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;~~
 - (C)(B) Hold, or have held, basic EMT certification; and
 - (D)(C) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

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

- (1) Hold General probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
- (2) Complete the instructor training course for Specialized Firearms Instructor Training Certification as specified in Rule .0209 of this Subchapter; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

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

- (1) Hold General probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
- (2) Complete the instructor training course for Specialized Driver Instructor Certification as specified in Rule .0227 of this Subchapter; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

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

- (1) The first method is:
 - (A) hold General probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
 - (B) complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter; and
 - (C) obtain the recommendation of a Commission-certified School Director.
- (2) The second method is:
 - (A) Complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter;
 - (B) obtain the recommendation of a Commission-certified School director or in-service training coordinator; and
 - (C) meet one of the following qualifications:
 - (i) hold a valid North Carolina Professional Educator's License, issued by the Department of Public Instruction, and hold a baccalaureate degree in physical education; or
 - (ii) be presently instructing physical education topics in a community college, college, or university and hold a baccalaureate degree in physical education.

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

- (1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for Alcohol Branch, as a Standardized Field Sobriety ~~Instructor~~. Instructor; and
- (2) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

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

- (1) Hold ~~General probationary or general Criminal Justice~~ Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
- (2) Complete the instructor training course for the Department of Public Safety, Division of Juvenile Justice Restraints, Controls and Defensive Techniques Specialized Instructor Certification as specified in Rule .0241 of this Subchapter; and
- (3) Obtain the recommendation of a Commission-certified school director.

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

- (1) Have completed a ~~Commission certified Commission-accredited criminal justice basic~~ instructor training course or an equivalent instructor training course, pursuant to Rule .0302 of this Section, utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (~~2~~) ~~Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council; and~~
- (~~3~~)(2) Obtain the recommendation of a Commission-certified school director.

(l) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant shall satisfy one of the following two options:

- (1) The first option is:
 - (A) hold ~~General probationary or general Criminal Justice~~ Instructor Certification, ~~either probationary status or full general instructor status~~, as specified in Rule .0303 of this Section;
 - (B) Complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and

- (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (2) The second option is:
 - (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
 - (B) Complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and
 - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

Authority G.S. 17C-6.

12 NCAC 09B .0308 RADAR INSTRUCTOR CERTIFICATION AND RE-CERTIFICATION REQUIREMENTS

(a) A person participating in a Commission-approved RADAR Operator or RADAR Instructor Training Course as an Instructor shall meet the following requirements for RADAR Instructor Certification:

- (1) Initial Certification:
 - (A) must be employed or appointed as a law enforcement officer by a state or local law enforcement agency or be a federal law enforcement officer;
 - (B) if the applicant is a deputy sheriff, he/she must be in total compliance with the standards established by the North Carolina Sheriff's Education and Training Standards Commission;
 - (C) must hold ~~Probationary or General Criminal Justice~~ Instructor Certification as required in 12 NCAC 09B .0302;
 - (D) must hold current RADAR Operator Certification pursuant to 12 NCAC 09C .0308;
 - (E) must complete the Commission-approved RADAR Instructor Training Course as required in 12 NCAC 09B .0210;
 - (F) must obtain the recommendation of a Commission-certified school director or agency executive officer or their designee; and
 - (G) shall not instruct in any RADAR Instructor/Operator or RADAR Instructor/Operator Re-certification Courses until their Certification is received from the Commission.

- (2) Re-certification:
 - (A) must hold current ~~Probationary or General~~ Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;
 - (B) must hold current Radar Operator Certification, pursuant to 12 NCAC 09C .0308;
 - (C) must complete the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;
 - (D) must have been certified as a RADAR Instructor within the three years preceding the completion of the RADAR Instructor Re-Certification Course;
 - (E) ~~has~~ must have participated in the classroom instruction and motor skill performance testing in the RADAR Operator Training Course, pursuant to 12 NCAC 09B .0212, during the previous certification period; and
 - (F) must obtain the recommendation of a Commission-certified school director, agency executive officer, or their designee.

(b) Those individuals who have previously held RADAR Instructor Certification and have not exceeded a six year time period from when his or her RADAR Instructor Certification expired are eligible to ~~reapply~~ apply for reissuance of the previously held RADAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds current ~~Probationary or General~~ Criminal Justice Instructor Certification, pursuant to 12 NCAC 09B .0302;
- (2) has completed the pre-qualification skills assessments;
- (3) ~~must complete~~ has completed the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;
- (4) has passed the RADAR Instructor comprehensive state examination with a minimum score of ~~80~~; 75; and
- (5) has obtained the recommendation of a Commission-certified school director, agency executive or their designee.

(c) Applicants for re-issuance of the RADAR Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the RADAR Instructor Comprehensive State Examination. Should an applicant not achieve a passing score on either the prequalification skills assessment or RADAR Instructor Comprehensive State Examination, the applicant shall complete the RADAR Operator and RADAR Instructor Course in its entirety.

(d) Applicants whose RADAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(e) The term of a RADAR Instructor is three years from the date of issuance. All RADAR Instructors seeking re-certification shall complete the RADAR Instructor Re-certification Course, as outlined in 12 NCAC 09B .0218, within 12 months of the expiration of the initial certification period. The 12-month period does not extend the RADAR Instructor Certification period.

Note: If Time Distance speed measuring instruments are reinstated for use at any point between years 2026 and 2036, individuals who currently hold a RADAR Instructor Certification and have previously held a Time/Distance Instructor Certification will be grandfathered and eligible to reinstate their Time/Distance Instructor Certification.

Authority G.S. 17C-6.

SUBCHAPTER 09I – FORMS FOR CRIMINAL JUSTICE EMPLOYMENT, EDUCATION, AND TRAINING

SECTION .0100- FORMS FOR USE IN TRAINING PROGRAMS AND INSTRUCTOR CERTIFICATION

12 NCAC 09I .0108 BASIC TRAINING FORMS – JUVENILE JUSTICE AND ADULT CORRECTION

The following Commission-approved forms shall be used by agencies and Commission-accredited delivery sites for officers holding probationary certification, pursuant to 12 NCAC 09C .0303 and 09G .0303:

- (1) Form F-11, Report of Training Course Completion, shall include the following:
 - (a) student's name, academy ID number, and date of birth;
 - (b) name of employing agency;
 - (c) student's position title and date of appointment;
 - (d) course title, location, start date, end date, meeting times, and total hours;
 - (e) whether the student passed the course; and
 - (f) name of individual completing the form and date of form completion.
- (2) Form F-15, Request for Training Extension, shall include the following:
 - (a) date of request;
 - (b) employee's name, date of birth, last four of social security number, and position title;
 - (c) expiration date of probationary certification;
 - (d) scheduled basic training course type and course start and end dates;
 - (e) reason for employee not completing basic training;
 - (f) proposed start and end dates for subsequent basic training;
 - (g) employee's name, signature, and date signed;
 - (h) school director's name, signature, and date signed; and

- (i) agency authorized representative's name, signature, and date signed.

- (vii) indication of whether the applicant has prior military experience and attached military records if applicable;
- (viii) employment history of the applicant, supported by Form F-8, pursuant to 12 NCAC 09B .0102, if applicable;
- (ix) attached a completed Form F-37; and
- (x) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09B .0102, if applicable;

Authority G.S. 17C-6.

12 NCAC 09I .0110 CERTIFICATION FORMS – JUVENILE JUSTICE

The following are Commission-approved forms to be used by individuals certified as, or applicants for certification as, juvenile justice officers or juvenile court counselors:

(1) Form F-5A (JJ), Application for Certification - Juvenile Justice Officer & Juvenile Court Counselor, shall include the following:

- (a) name, phone number, and address of employing agency;
- (b) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;
- (c) position type (Juvenile Justice Officer or Juvenile Court Counselor);
- (d) hire date and full-time or part-time status;
- (e) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0116 or .0117, including:

- (i) education information, including highest level of education, name and location of high school, type of higher education degree earned, name and location of higher education institution, and how each type of education and/or degree was verified by the employing agency;
- (ii) drug screening date, result, and name of laboratory;
- (iii) date submitted fingerprints to State Bureau of Investigation and results shall be attached;
- (iv) psychological screening date and the name and license number of the evaluating psychologist or psychiatrist;
- (v) indication that medical forms, pursuant to .0105 of this Subchapter, have been completed, date of medical examination, and name and license number of examining medical professional;
- (vi) indication that background investigation and associated forms, pursuant to 12 NCAC 09B .0102, have been completed;

- (f) date completed Application for Verification of Expungement AOC-CR-280;
- (g) signature of applicant and date signed; and
- (h) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(2) Form F-5D (JJ), Application for Change in Juvenile Justice Certification, shall include the following:

- (a) Facility or district of employment;
- (b) applicant name, academy ID number, social security number, date of birth, email address, home address, and phone number;
- (c) type of certification transferring from;
- (d) type of certification transferring to;
- (e) effective date of transfer;
- (f) full-time or part-time status;
- (g) education information, including how the applicant's high school education was verified by the employing agency, how the applicant's college education was verified; type of college degree earned; and institution name;
- (h) notarized signature of the applicant; and
- (i) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(3) Form F-19 (JJ), Notification of Personnel Record Change, shall include the following:

- (a) employing agency name;
- (b) individual's name on file with the Division, academy ID number, date of birth, and social security number;
- (c) for those notifying of a name change:
 - (i) new full name;
 - (ii) reason for name change; and
 - (iii) attached documentation, if applicable.
- (d) for those notifying of a status change:

- (i) current full-time or part-time status; and
- (ii) status changing to.
- (e) name, title, and signature of agency head and date signed.

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

Authority G.S. 17C-6.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 60 - REFRIGERATION CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Refrigeration Examiners intends to readopt without substantive changes the rules cited as 21 NCAC 60 .0102, .0207, .0209, .0211, .0213, .0214, .0304, .0310-.0314, .0316, .1102, and .1103.

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

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

Proposed Effective Date: *January 1, 2027*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Public hearing may be requested in writing and sent to SBRC, 1027 US 70 Hwy W., Suite 221, Garner, NC 27529 or refrigeration14@gmail.com.*

Reason for Proposed Action: *Readoption of current rules pursuant to G.S. 150B-21.3A to comply with G.S. 150B-21.3A.*

Comments may be submitted to: *Barbara Hines, 1026 US Highway W., Suite 221, Garner, NC 27529; phone (919) 779-4711; email refrigeration14@gmail.com*

Comment period ends: *July 31, 2026*

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,

SECTION .0100 - ORGANIZATION AND DEFINITIONS

21 NCAC 60 .0102 OFFICE OF BOARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - EXAMINATIONS

21 NCAC 60 .0207 REQUIREMENTS FOR EXAMINATION APPLICANTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0209 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0211 CERT REQUIREMENTS OF EPA: ISSUANCE OF CERT LICENSES BY BOARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0213 EXAMINATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0214 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .300 – LICENSES AND FEES

21 NCAC 60 .0304 RENEWALS AND REINSTATEMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0310 LOST OR DESTROYED CERTIFICATES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0311 PERMITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0312 CHANGE OF TRADE NAME (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0313 PROCESSING FEE FOR SUBMITTAL OF BAD CHECK (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 60 .0314 USE OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

**21 NCAC 60 .0316 CHANGE OF ADDRESS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

SECTION .1100 - DISCIPLINARY ACTION

**21 NCAC 60 .1102 PREFERRING CHARGES
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**21 NCAC 60 .1103 PRELIMINARY
DETERMINATION (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.

This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 11 – DEPARTMENT OF INSURANCE

11 NCAC 06A .0704 COURSES

Rule-making Agency: Department of Insurance

Authority G.S. 58-2-40; 58-33-30(d); 58-33-132.

Rule Citation: 11 NCAC 06A .0701-.0705, .0808, .0811

11 NCAC 06A .0705 INSTRUCTORS

Effective Date: May 6, 2026

Authority G.S. 58-2-40; 58-33-30(d); 58-33-132.

Date Approved by the Rules Review Commission: April 28, 2026

SECTION .0800 - CONTINUING EDUCATION

Reason for Action:

11 NCAC 06A .0701-.0705 - This repeal is necessary to make the Department's current administrative rules for pre-licensing education and continuing education conform to recently enacted legislation, SL 2025-45. Part 1 of this legislation amends G.S. 58-33-30 and G.S. 58-33-32 which eliminates prelicensing education course requirements for insurance producer applicants to be eligible for licensure in North Carolina. Accordingly, the administrative rules governing prelicensing education are proposed for repeal.

11 NCAC 06A .0808 INSTRUCTOR QUALIFICATION

(a) Continuing education providers shall certify that continuing education instructors meet the qualification requirements, which are the same as those for instructors as provided in 11 NCAC 06A .0705(e), except that the requirements as provided in Paragraph (b) of this Rule. The Commissioner may approve instructors not meeting the qualifications as provided in Paragraph (b) of this Rule, who possessing possess specific areas of expertise to instruct courses comprising those areas of expertise.

(b) Each instructor ~~shall have~~ must meet one of the following qualifications which shall be verified by the instructor's continuing education provider:

11 NCAC 06A .0808, .0811 - This amendment is necessary to make the Department's current administrative rules for prelicensing education and continuing education conform to recently enacted legislation, SL 2025-45. Part 1 of this legislation amends G.S. 58-33-30 and G.S. 58-33-32 which eliminates prelicensing education course requirements yet preserves continuing education requirements for insurance producer licensure in North Carolina. Accordingly, the administrative rules governing continuing education are proposed for amendment.

(1) Accident and health or sickness; Medicare supplement insurance and long-term care insurance;

(A) Registered Health Underwriter (RHU);

(B) Certified Employee Benefits Specialist (CEBS);

(C) Registered Employee Benefits Consultant (REBC);

(D) Health Insurance Associate (HIA);

(E) Five years of full-time experience as an employee, agent, or broker interpreting or explaining policies covering accident and health or sickness insurance, Medicare supplement [insurance] insurance, or long term care insurance;

(F) [Holds] Has an associate [degree] or bachelor's degree in [insurance;] insurance, or possesses education and experience determined by the Commissioner to be equivalent to;

~~[(G) Has education and experience that are found by the Commissioner to be equivalent to: (i) A baccalaureate or higher degree and at least two years of experience as an instructor of~~

CHAPTER 06 - AGENT SERVICES DIVISION

SUBCHAPTER 06A - AGENT SERVICES DIVISION

SECTION .0700 - PRELICENSING EDUCATION

11 NCAC 06A .0701 GENERAL REQUIREMENTS

Authority G.S. 58-2-40; 58-33-30(d); 58-33-35; 58-33-132.

11 NCAC 06A .0702 PRELICENSING EDUCATION SCHOOLS

Authority G.S. 58-2-40; 58-33-30(d); 58-33-132.

11 NCAC 06A .0703 PROGRAM DIRECTORS

Authority G.S. 58-2-40; 58-33-30(d); 58-33-132.

- insurance or as an educational administrator, or; (ii) A baccalaureate degree or higher and at least six years of experience in the insurance industry with a minimum of two years of experience in insurance management.
- (2) Life insurance and annuities:
- (A) Chartered Life Underwriter (CLU);
 (B) Chartered Financial Consultant (ChFC);
 (C) Fellow Life Management Institute (FLMI);
 (D) Life Underwriter Training Council Fellow (LUTCF);
 (E) Certified Employee Benefits Specialist (CEBS);
 (F) Certified Financial Planner (CFP);
 (G) Five years of full-time experience as an employee, agent, or broker interpreting or explaining life insurance policies, or annuities;
 (H) [Holds]Has an associate [degree] or bachelor's degree in [insurance;] insurance, or possesses education and experience determined by the Commissioner to be equivalent to:
 [(F)] Has education and experience that are found by the Commissioner to be equivalent to:]
- (i) A baccalaureate or higher degree and at least two years of experience as an instructor of insurance or as an educational administrator, or;
 (ii) A baccalaureate degree or higher and at least six years of experience in the insurance industry with a minimum of two years of experience in insurance management.
- (3) Property insurance, casualty insurance, and personal lines:
- (A) Chartered Property and Casualty Underwriter (CPCU);
 (B) Accredited Advisor in Insurance (AAI);
 (C) Associate in Risk Management (ARM);
 (D) Certified Insurance Counselor (CIC);
 (E) Five years of full-time experience as an employee, agent, or broker interpreting or explaining property insurance, casualty insurance, or personal lines policies;
 (F) [Holds] Has an associate [degree] or bachelor's degree in [insurance;] insurance, or possesses education and
- experience determined by the Commissioner to be equivalent to:
 [(G)] Has education and experience that are found by the Commissioner to be equivalent to:](i) A baccalaureate or higher degree and at least two years of experience as an instructor of insurance or as an educational administrator, or; (ii) A baccalaureate degree or higher and at least six years of experience in the insurance industry with a minimum of two years of experience in insurance management.
- ~~(b)(c)~~ Insurance company trainers as instructors shall be full time salaried employees of the insurance company sponsoring the course and shall have as part of their full time responsibilities the duty to ~~provide~~ provide insurance company training.
~~(e)(d)~~ College and university instructors may be full time or adjunct faculty of the college or university, and shall be teaching a curriculum course in his or her field of expertise.
~~(d)(e)~~ The Commissioner shall require applicants and current instructors to ~~submit to~~ participate in a personal interview, provide a video or audio ~~tape, tape~~ demonstrating course instruction, and submit a written history of courses taught or any other documentation that will verify the applicant's qualifications to instruct approved insurance courses.
~~(e)(f)~~ Temporary instructor authority shall be given to each qualified applicant. The instructor authority shall become permanent after six months unless otherwise denied, suspended, ~~terminated~~ terminated, or revoked by the Commissioner.
~~(f)(g)~~ As a condition to continued instructor qualification, providers shall ~~insure~~ ensure that each instructor teaches at least one ~~prelicensing~~ or continuing education course each calendar year.
~~(g)(h)~~ The Commissioner shall deny, revoke, suspend, or terminate the approval of an instructor upon finding that:
- (1) The instructor fails to meet the criteria for approval provided by this Rule;
 - (2) The instructor has failed to comply with statutes or rules regarding continuing education courses or providers;
 - (3) The instructor's employment has been terminated by any approved provider on the grounds of incompetence or failure to comply with institutional policies and procedures;
 - (4) The instructor provided false information to the Commissioner;
 - (5) The instructor ~~[has]~~ has, at any ~~[time]~~ time, had an insurance license denied, suspended, revoked, or ~~[terminated,]~~ terminated by the ~~[Commissioner]~~ Commissioner, or any other state insurance regulator, or has ever been required to return a license while under investigation;
 - (6) The instructor has obtained or used, or attempted to obtain or use, in any manner or form, licensing examination ~~[questions-] questions~~ under G.S. 58-33-30.

~~[(h)](i) In all proceedings to deny, revoke, suspend, or terminate approval of an instructor, the provisions of Chapter 150B of the General Statutes shall be [applicable-] applied.~~

~~[(+)](j) When an instructor's approval is discontinued, the procedure for reinstatement shall be to apply as a new instructor, with a statement of reasons that the applicant is now eligible for reconsideration. The Commissioner may require an investigation before new approval is granted.~~

Authority G.S. 58-2-40; 58-33-130; 58-33-132.

11 NCAC 06A .0811 SANCTIONS FOR NONCOMPLIANCE

(a) If the license of any person lapses under G.S. 58-33-130(c), the license shall be reinstated when the person has completed the continuing education requirements and paid an administrative fee of seventy-five dollars (\$75.00) within four months after the end of the person's previous compliance year. If the person does not satisfy the requirements for licensure reinstatement within four months after the end of the person's previous compliance year, the person shall ~~complete the appropriate preclicensing education requirement and~~ pass the appropriate licensing examination, at which time the Commissioner shall reinstate the person's license.

(b) The Commissioner may suspend, revoke, or refuse to renew a license for any of the following causes:

- (1) Failing to respond to Department inquiries, including continuing education audit requests, within seven calendar days after the receipt of the inquiry or request.
- (2) Requesting an extension or waiver under false pretenses.
- (3) Refusing to cooperate with Department employees in an investigation or inquiry.

(c) The Commissioner may suspend, revoke, or refuse to renew a course provider's, presenters, or instructor's authority to offer courses for any of the following causes:

- (1) Advertising that a course is approved before the Commissioner has granted such approval in writing.
- (2) Submitting a course outline with material inaccuracies, either in length, presentation time, or topic content.
- (3) Presenting or using unapproved material in providing an approved course.
- (4) Failing to conduct a course for the full time specified in the approval request submitted to the Commissioner.
- (5) Preparing and distributing certificates of attendance or completion before the course has been approved.
- (6) Issuing certificates of attendance or completion before the completion of the course.
- (7) Failing to issue certificates of attendance or completion to any licensee who satisfactorily completes a course.
- (8) Failing to notify the Commissioner in writing of suspected or known violations of the North Carolina General Statutes or Administrative

Code within 30 days after suspecting or knowing about the violations.

- (9) Violating the North Carolina General Statutes or Administrative Code.
- (10) Failing to monitor attendance and attention of attendees.
- (11) Preparing and distributing fraudulent certificates of attendance or completion.
- (12) Failing to ensure that the licensee completes the course hours approved by the Commissioner.
- (13) Failing to use qualified or approved instructors.
- (14) Refusing to cooperate with Department employees in an investigation or inquiry.

(d) Course providers and presenters are responsible for the activities of persons conducting, supervising, instructing, proctoring, monitoring, moderating, facilitating, or in any way responsible for the conduct of any of the activities associated with the course.

(e) The Commissioner may require any one of the following upon a finding of a violation of this Section:

- (1) Refunding all course tuition and fees to licensees.
- (2) Providing licensees with a course to replace the course that was found in violation.
- (3) Withdrawal of approval of courses offered by the provider, presenter, or instructor.

~~(f) Each year, the Commissioner shall verify each nonresident licensee's record through the NAIC Producer Data Base to ensure that the licensee has complied with the continuing education requirements in the licensee's home state. If the license lapses under G.S. 58-33-32, the Commissioner shall cancel the license.~~

Authority G.S. 58-2-40; 58-33-125(a); 58-33-130; 58-33-132.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0425*

Effective Date: *May 6, 2026*

Date Approved by the Rules Review Commission: *April 28, 2026*

Reason for Action: *The N.C. Division of Marine Fisheries (NCDMF) issued a proclamation modifying the sheepshead size and creel limit for recreational and commercial harvest in joint and coastal fishing waters. The amendments will decrease the daily creel limit from 10 fish to five fish and increase the minimum size from 10 to 14 inches within NCWRC's jurisdiction (Inland Fishing Waters and hook-and-line in Joint Fishing Waters) to be consistent with the NCDMF proclamation.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

TEMPORARY RULES

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

(b) The minimum size limit is ~~40~~ 14 inches.

SECTION .0400 – NONGAME FISH IN INLAND FISHING WATERS

(c) There is no closed season.

(d) Sheepshead shall not be sold.

15A NCAC 10C .0425 SHEEPSHEAD

Authority G.S. 113-134; 113-292; 113-304; 113-305.

(a) The daily creel limit for sheepshead is ~~40~~ 5 fish.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on April 28, 2026 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

MEDICAL CARE COMMISSION

<u>Executive Committee</u>	10A NCAC 13A .0101*	40:12 NCR
<u>Petitions</u>	10A NCAC 13A .0201	40:12 NCR
<u>Rulemaking Procedures</u>	10A NCAC 13A .0202*	40:12 NCR
<u>Declaratory Rulings</u>	10A NCAC 13A .0203*	40:12 NCR
<u>Definitions</u>	10A NCAC 13D .2001*	40:12 NCR
<u>Application Requirements</u>	10A NCAC 13D .2101	40:12 NCR
<u>Issuance of License</u>	10A NCAC 13D .2102	40:12 NCR
<u>Length of Licensure</u>	10A NCAC 13D .2103	40:12 NCR
<u>Requirements for Licensure Renewal or Changes</u>	10A NCAC 13D .2104*	40:12 NCR
<u>Temporary Change in Bed Capacity</u>	10A NCAC 13D .2105*	40:12 NCR
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC 13D .2106*	40:12 NCR
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC 13D .2107*	40:12 NCR
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC 13D .2108*	40:12 NCR
<u>Inspections</u>	10A NCAC 13D .2109	40:12 NCR
<u>Administrator</u>	10A NCAC 13D .2201*	40:12 NCR
<u>General Standards of Administration</u>	10A NCAC 13D .2202*	40:12 NCR
<u>Patients Not to be Admitted</u>	10A NCAC 13D .2203	40:12 NCR
<u>Respite Care</u>	10A NCAC 13D .2204	40:12 NCR
<u>Discharge of Patients</u>	10A NCAC 13D .2205	40:12 NCR
<u>Medical Director</u>	10A NCAC 13D .2206	40:12 NCR
<u>Patient Rights</u>	10A NCAC 13D .2207*	40:12 NCR
<u>Safety</u>	10A NCAC 13D .2208*	40:12 NCR
<u>Infection Control</u>	10A NCAC 13D .2209*	40:12 NCR
<u>Reporting and Investigating Abuse, Neglect or...</u>	10A NCAC 13D .2210*	40:12 NCR
<u>Personnel Standards</u>	10A NCAC 13D .2211*	40:12 NCR
<u>Quality Assurance Committee</u>	10A NCAC 13D .2212*	40:12 NCR
<u>Patient Assessment and Plan of Care</u>	10A NCAC 13D .2301*	40:12 NCR
<u>Nursing Services</u>	10A NCAC 13D .2302*	40:12 NCR
<u>Nurse Staffing Requirements</u>	10A NCAC 13D .2303*	40:12 NCR
<u>Nurse Aides</u>	10A NCAC 13D .2304*	40:12 NCR
<u>Quality of Care</u>	10A NCAC 13D .2305*	40:12 NCR
<u>Medication Administration</u>	10A NCAC 13D .2306*	40:12 NCR
<u>Dental Care and Services</u>	10A NCAC 13D .2307	40:12 NCR
<u>Adult Care Home Personnel Requirements</u>	10A NCAC 13D .2308	40:12 NCR
<u>Cardio-Pulmonary Resuscitation</u>	10A NCAC 13D .2309	40:12 NCR
<u>Maintenance of Medical Records</u>	10A NCAC 13D .2401*	40:12 NCR
<u>Preservation of Medical Records</u>	10A NCAC 13D .2402	40:12 NCR
<u>Availability of Physician's Services</u>	10A NCAC 13D .2501*	40:12 NCR
<u>Private Physician</u>	10A NCAC 13D .2502*	40:12 NCR

APPROVED RULES

<u>Use of Nurse Practitioners and Physician Assistants</u>	10A NCAC	13D	.2503*	40:12 NCR
<u>Laboratory and Radiology Services</u>	10A NCAC	13D	.2504	40:12 NCR
<u>Brain Injury Long-Term Care Physician Services</u>	10A NCAC	13D	.2505	40:12 NCR
<u>Availability of Pharmaceutical Services</u>	10A NCAC	13D	.2601*	40:12 NCR
<u>Pharmacy Personnel</u>	10A NCAC	13D	.2602*	40:12 NCR
<u>Administrative Responsibilities</u>	10A NCAC	13D	.2603*	40:12 NCR
<u>Drug Procurement</u>	10A NCAC	13D	.2604	40:12 NCR
<u>Drug Storage and Disposition</u>	10A NCAC	13D	.2605*	40:12 NCR
<u>Pharmaceutical Records</u>	10A NCAC	13D	.2606*	40:12 NCR
<u>Emergency Drugs</u>	10A NCAC	13D	.2607*	40:12 NCR
<u>Provision of Nutrition and Dietetic Services</u>	10A NCAC	13D	.2701*	40:12 NCR
<u>Activity Services</u>	10A NCAC	13D	.2801*	40:12 NCR
<u>Social Services</u>	10A NCAC	13D	.2802*	40:12 NCR
<u>Report of Death</u>	10A NCAC	13D	.2901	40:12 NCR
<u>Pets</u>	10A NCAC	13D	.2902	40:12 NCR
<u>Ventilator Assisted Care</u>	10A NCAC	13D	.3003*	40:12 NCR
<u>Brain Injury Long-Term Care</u>	10A NCAC	13D	.3004	40:12 NCR
<u>Special Nursing Requirements for Brain Injury Long-Term Care</u>	10A NCAC	13D	.3005	40:12 NCR
<u>Additional Requirements for Spinal Cord Injury Patients</u>	10A NCAC	13D	.3031	40:12 NCR
<u>General Rules</u>	10A NCAC	13D	.3101	40:12 NCR
<u>Physician in an HIV Designated Unit</u>	10A NCAC	13D	.3102*	40:12 NCR
<u>Site</u>	10A NCAC	13D	.3103	40:12 NCR
<u>Plans and Specifications</u>	10A NCAC	13D	.3104*	40:12 NCR
<u>Required Spaces</u>	10A NCAC	13D	.3201*	40:12 NCR
<u>Furnishings</u>	10A NCAC	13D	.3202*	40:12 NCR
<u>Heating and Air Conditioning</u>	10A NCAC	13D	.3401*	40:12 NCR
<u>Emergency Electrical Service</u>	10A NCAC	13D	.3402*	40:12 NCR
<u>General Electric</u>	10A NCAC	13D	.3403*	40:12 NCR
<u>Other</u>	10A NCAC	13D	.3404*	40:12 NCR

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Location</u>	12 NCAC	10B	.0101*	40:13 NCR
<u>Sheriffs' Standards Division</u>	12 NCAC	10B	.0104*	40:13 NCR
<u>Administrative Hearing Procedures</u>	12 NCAC	10B	.0105*	40:13 NCR
<u>Procedures for Petitions for Rulemaking</u>	12 NCAC	10B	.0106*	40:13 NCR
<u>Procedures for Petitions for Declaratory Rulings</u>	12 NCAC	10B	.0107*	40:13 NCR

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Beer Franchise Law; "Brand" Defined</u>	14B NCAC	15C	.0103*	40:12 NCR
<u>Definitions</u>	14B NCAC	15C	.0701*	40:12 NCR
<u>Malt Beverages: Allowances for Damage</u>	14B NCAC	15C	.0702*	40:12 NCR
<u>Removal or Disturbance of Other Brands Prohibited</u>	14B NCAC	15C	.0703*	40:12 NCR
<u>Quantity Discounts Prohibited</u>	14B NCAC	15C	.0704*	40:12 NCR
<u>Exclusive Outlets</u>	14B NCAC	15C	.0705*	40:12 NCR
<u>Inducements (Tied House)</u>	14B NCAC	15C	.0706*	40:12 NCR
<u>Commercial Bribery</u>	14B NCAC	15C	.0707*	40:12 NCR
<u>Prohibited Trade Practices</u>	14B NCAC	15C	.0709*	40:12 NCR
<u>Accepted Trade Practices; Services</u>	14B NCAC	15C	.0710*	40:12 NCR

APPROVED RULES

<u>Accepted Trade Practices; Things of Value; Retail Permittees</u>	14B NCAC	15C	.0711*	40:12 NCR
<u>Transactions with Government and Special One-Time Permittees</u>	14B NCAC	15C	.0712*	40:12 NCR
<u>Tournaments</u>	14B NCAC	15C	.0713*	40:12 NCR
<u>Consumer Contests: Sweepstakes</u>	14B NCAC	15C	.0714*	40:12 NCR

PRIVATE PROTECTIVE SERVICES BOARD

<u>Renewal or Re-issue of Licenses and Trainee Permits</u>	14B NCAC	16	.0203*	40:08 NCR
<u>Company Business License</u>	14B NCAC	16	.0205*	40:08 NCR
<u>Minimum Standards for Unarmed Security Guard Registration</u>	14B NCAC	16	.0703*	40:08 NCR
<u>Renewal of Unarmed Security Guard Registration</u>	14B NCAC	16	.0706*	40:08 NCR
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0806*	40:08 NCR
<u>Application for Firearms Trainer Certificate</u>	14B NCAC	16	.0902*	40:08 NCR
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC	16	.0904*	40:08 NCR
<u>Application for an Unarmed Trainer</u>	14B NCAC	16	.0910*	40:08 NCR
<u>Renewal of an Unarmed Trainer Certificate</u>	14B NCAC	16	.0911*	40:08 NCR
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B NCAC	16	.1306*	40:08 NCR
<u>Renewal of Armed Armored Car Service Guard Firearm...</u>	14B NCAC	16	.1406*	40:08 NCR

SECURITY SYSTEMS LICENSING BOARD

<u>Application for License</u>	14B NCAC	17	.0201*	40:08 NCR
<u>Application for Registration</u>	14B NCAC	17	.0301*	40:08 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Flow Design Criteria for Effluent Limitations</u>	15A NCAC	02B	.0206*	40:06 NCR
<u>Staff Review and Evaluation</u>	15A NCAC	02H	.0107*	40:06 NCR

COASTAL RESOURCES COMMISSION

<u>Approval Procedures</u>	15A NCAC	07H	.2302*	40:07 NCR
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EDUCATION, STATE BOARD OF

<u>Qualifications of Teachers</u>	16 NCAC	06C	.0102*	40:13 NCR
<u>Definitions</u>	16 NCAC	06C	.0202*	40:13 NCR
<u>Definitions</u>	16 NCAC	06C	.0301*	40:13 NCR
<u>General Licensure Requirements</u>	16 NCAC	06C	.0302*	40:13 NCR
<u>Teacher License</u>	16 NCAC	06C	.0304*	40:13 NCR
<u>Administrator License</u>	16 NCAC	06C	.0305*	40:13 NCR
<u>Student Services Personnel License</u>	16 NCAC	06C	.0306*	40:13 NCR
<u>Additional Teaching Areas</u>	16 NCAC	06C	.0307*	40:13 NCR
<u>Provisional License</u>	16 NCAC	06C	.0308*	40:13 NCR
<u>License Endorsement</u>	16 NCAC	06C	.0313*	40:13 NCR
<u>License Application</u>	16 NCAC	06C	.0334*	40:13 NCR
<u>Initial Professional License</u>	16 NCAC	06C	.0336*	40:13 NCR
<u>Continuing Professional License</u>	16 NCAC	06C	.0337*	40:13 NCR
<u>Residency License</u>	16 NCAC	06C	.0338*	40:13 NCR
<u>Residency License Professional Development Requirements</u>	16 NCAC	06C	.0339*	40:13 NCR
<u>Limited License</u>	16 NCAC	06C	.0340*	40:13 NCR
<u>Permit to Teach</u>	16 NCAC	06C	.0341*	40:13 NCR
<u>Emergency License...</u>	16 NCAC	06C	.0342*	40:13 NCR

<u>Out-of-State Applicants</u>	16 NCAC 06C .0344*	40:13 NCR
<u>International Faculty License</u>	16 NCAC 06C .0346*	40:13 NCR
<u>Lifetime License</u>	16 NCAC 06C .0349*	40:13 NCR
<u>Special License Provisions for Active-Duty Service Members and Spouses</u>	16 NCAC 06C .0350*	40:13 NCR
<u>Effectiveness Data Requirements to Qualify for a...</u>	16 NCAC 06C .0354	40:13 NCR
<u>Teaching Experience Requirements to be Issued a NC...</u>	16 NCAC 06C .0355	40:13 NCR
<u>Requirements to be Issued an International Faculty License</u>	16 NCAC 06C .0357	40:13 NCR
<u>License Renewal for Teachers</u>	16 NCAC 06C .0360*	40:13 NCR
<u>License Renewal for Student Services Personnel</u>	16 NCAC 06C .0361*	40:13 NCR
<u>License Renewal for Administrators</u>	16 NCAC 06C .0362	40:13 NCR
<u>General License Renewal Requirements</u>	16 NCAC 06C .0363*	40:13 NCR
<u>Criminal History Checks</u>	16 NCAC 06C .0610*	40:13 NCR

OPTOMETRY, BOARD OF EXAMINERS IN

<u>National Board Examinations</u>	21 NCAC 42B .0107	40:13 NCR
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ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

<u>Surveying Procedures</u>	21 NCAC 56 .1602*	40:11 NCR
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TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13A .0101 EXECUTIVE COMMITTEE

(a) There shall be an executive committee of the North Carolina Medical Care Commission composed of five members of the commission in addition to the chairman and vice-chairman of the commission. Three members shall be appointed by a vote of the commission at the December meeting of each odd year and two members shall be appointed by the chairman of the commission at the December meeting of each even year. No member of the executive committee, except the chairman and vice-chairman, shall serve more than two two-year terms in succession. The chairman and vice-chairman of the commission shall also be chairman and vice-chairman of the executive committee.

- (b) The functions of the executive committee shall be to:
- (1) transact business in behalf of the commission, consistent with established policy, which in the opinion of the chairman is of such urgency that action is required before the next regularly scheduled commission meeting and the impact of the action would not justify the convening of a special meeting of the commission;
 - (2) transact business in behalf of the commission when a quorum is not obtained at any commission meeting for which prior notice of at least ten days has been given;
 - (3) review periodically the activities of the commission and the assignments and recommendations of the various committees for the purpose of developing policy recommendations for commission consideration.

(c) All actions of the executive committee shall be reviewed at the next commission meeting and if disagreement is expressed by

a simple majority of the members present and voting at any commission meeting in which a quorum is present, the functions of the executive committee shall be suspended until resolved by later action of the commission.

(d) The initial approval of all projects under the Health Care Facilities Finance Act must be given by a quorum of the full commission.

(e) A quorum of the executive committee shall consist of at least four members of the executive committee.

History Note: Authority G.S. 131A-4; 143B-165; 143B-166; Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13A .0201 PETITIONS

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule or rules by the North Carolina Medical Care Commission shall submit the petition addressed to: Office of the Director, Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

- (b) The petition shall contain the following information:
- (1) the text of the proposed rule or rules for adoption or amendment, the rule number of the proposed rule or rules for repeal, and the statutory authority for the agency to promulgate the rule or rules;
 - (2) a statement of the effect on existing rules;
 - (3) a statement of the effect of the proposed rule or rules on existing practices in the area involved, if known; and
 - (4) the name(s) and address(es) of petitioner(s).

(c) The petitioner may include the following information within the request:

- (1) documents and any data supporting the petition;
- (2) a statement of the reasons for adoption of the proposed rule or rules, amendment or the repeal of an existing rule or rules;
- (3) a statement explaining the costs and computation of the cost factors, if known; and
- (4) a description, including the names and addresses, if known, of those individuals or entities most likely to be affected by the proposed rule or rules.

(d) The North Carolina Medical Care Commission, based on a review of the facts stated in the petition, shall consider the following in the determination to grant the petition:

- (1) whether the North Carolina Medical Care Commission has authority to adopt the rule or rules;
- (2) the effect of the proposed rule(s) on existing rules, programs, and practices;
- (3) probable costs and cost factors of the proposed rule or rules;
- (4) the impact of the rule on the public and the regulated entities; and
- (5) whether the public interest will be served by granting the petition.

(e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the petitioner by the Chairman of the North Carolina Medical Care Commission.

History Note: Authority G.S. 143B-165; 150B-20; Eff. February 1, 1976; Readopted Eff. December 19, 1977; Amended Eff. November 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Amended Eff. October 1, 2023.

10A NCAC 13A .0202 RULEMAKING PROCEDURES

(a) The rulemaking procedures for the Secretary of the Department of Health and Human Services codified in 10A NCAC 01 are hereby adopted by reference pursuant to G.S. 150B-14(c) to apply to the actions of the Commission, with the following modifications:

- (1) Correspondence related to the Commission's rulemaking actions shall be submitted to:

 APA/Rule-making Coordinator
 Office of the Director
 Division of Health Service Regulation
 2701 Mail Service Center
 Raleigh, North Carolina 27699-2701
- (2) The Secretary's designee shall mean the Director of the Division of Health Service Regulation (hereinafter referred to as the Division).
- (3) The "Division" shall be substituted for the "Office of General Counsel" in 10A NCAC 01.
- (4) "Hearing officer" shall mean the Chairman of the Medical Care Commission or his designee.

(b) Copies of 10A NCAC 01 may be inspected in the Division at the address shown in (a)(1) of this Rule. Copies may be obtained from the Office of Administrative Hearings, 424 North Blount Street, Raleigh, North Carolina, 27601.

History Note: Authority G.S. 143B-165; 150B-11; 150B-14; Eff. November 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13A .0203 DECLARATORY RULINGS

(a) The Commission shall have the power to make declaratory rulings. All requests for declaratory rulings shall be written and submitted to: Chairman, Medical Care Commission, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

(b) All requests for a declaratory ruling must include the following information:

- (1) name and address of the petitioner;
- (2) statute or rule to which petition relates;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) the consequences of a failure to issue a declaratory ruling.

(c) Whenever the Commission believes for good cause that the issuance of a declaratory ruling will not serve the public interest, it may refuse to issue one. When good cause is deemed to exist, the Commission will notify the petitioner of the decision in writing stating reasons for the denial of a declaratory ruling.

(d) The Commission may refuse to consider the validity of a rule and therefore refuse to issue a declaratory ruling:

- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
- (2) unless the rulemaking record evidences a failure by the agency to consider specified relevant factors;
- (3) if there has been similar controlling factual determination in a contested case, or if the factual context being raised for a declaratory ruling was specifically considered upon adoption of the rule being questioned as evidence by the rulemaking record;
- (4) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would presently be appropriate.

(e) Where a declaratory ruling is deemed to be in the public interest, the Commission will issue the ruling within 60 days of receipt of the petition.

(f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as may be appropriate in a particular case.

(g) The Commission may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

(h) A record of all declaratory ruling procedures will be maintained for as long as the ruling has validity. This record will contain:

- (1) the original request,
- (2) reasons for refusing to issue a ruling,
- (3) all written memoranda and information submitted,
- (4) any written minutes or audio tape or other record of the oral hearing, and
- (5) a statement of the ruling.

This record will be maintained in a file at the Director's office at Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701 and will be available for public inspection during regular office hours.

History Note: Authority G.S. 143B-165; 150B-4; Eff. November 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2001 DEFINITIONS

In addition to the definitions set forth in G.S. 131E-101, the following definitions shall apply throughout this Subchapter:

- (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain, or mental anguish.
- (2) "Accident" means an unplanned event resulting in the injury or wounding of a patient or other individual.
- (3) "Addition" means an extension or increase in floor area or height of a building.
- (4) "Administrator" as defined in G.S. 90-276(4).
- (5) "Alteration" means any construction or renovation to an existing structure other than repair, maintenance, or addition.
- (6) "Brain injury long term care" means an interdisciplinary, intensive maintenance program for patients who have incurred brain damage caused by external physical trauma and who have completed a primary course of rehabilitative treatment and have reached a point of no gain or progress for more than three consecutive months. Brain injury long term care is provided through a medically supervised interdisciplinary process and is directed toward maintaining the individual at the optimal level of physical, cognitive, and behavioral functions.
- (7) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed to maintain at any given time.
- (8) "Combination facility" means a combination home as defined in G.S. 131E-101.
- (9) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons with functional limitations or chronic disabling conditions who have the potential to achieve a significant improvement in activities of daily living, including bathing, dressing, grooming, transferring, eating, and using speech, language, or other communication

- (10) systems. A comprehensive, inpatient rehabilitation program utilizes a coordinated and integrated, interdisciplinary approach, directed by a physician, to assess patient needs and to provide treatment and evaluation of physical, psychosocial, and cognitive deficits. "Department" means the North Carolina Department of Health and Human Services.
- (11) "Director of nursing" means a registered nurse who has authority and responsibility for all nursing services and nursing care.
- (12) "Discharge" means a physical relocation of a patient to another health care setting; the discharge of a patient to his or her home; or the relocation of a patient from a nursing bed to an adult care home bed, or from an adult care home bed to a nursing bed.
- (13) "Existing facility" means a facility currently licensed and built prior to the effective date of this Rule.
- (14) "Facility" means a nursing facility or combination facility as defined in this Rule.
- (15) "Incident" means any accident, event, or occurrence that is unplanned, or unusual, and has caused harm to a patient, or has the potential for harm.
- (16) "Inpatient rehabilitation facility or unit" means a free-standing facility or a unit (unit pertains to contiguous dedicated beds and spaces) within an existing licensed health service facility approved in accordance with G.S. 131E, Article 9 to establish inpatient, rehabilitation beds and to provide a comprehensive, inpatient rehabilitation program.
- (17) "Interdisciplinary" means an integrated process involving representatives from disciplines of the health care team.
- (18) "Licensee" means the person, firm, partnership, association, corporation, or organization to whom a license to operate the facility has been issued. The licensee is the legal entity that is responsible for the operation of the business.
- (19) "Medication error rate" means the measure of discrepancies between medication that was ordered for a patient by the health care provider and medication that is administered to the patient. The medication error rate is calculated by dividing the number of errors observed by the surveyor by the opportunities for error, multiplied times 100.
- (20) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a patient's belongings or money without the patient's consent.
- (21) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.

- (22) "New facility" means a facility for which an initial license is sought, a proposed addition to an existing facility, or a proposed remodeled portion of an existing facility that will be built according to construction documents and specifications approved by the Department for compliance with the standards established in Sections .3100, .3200, and .3400 of this Subchapter.
- (23) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and provides nursing or nursing-related services to patients in a nursing home. A nurse aide is not a licensed health professional. Nursing homes that participate in Medicare or Medicaid shall comply with 42 CFR 483.35, which is incorporated by reference, including subsequent amendments. The Code of Federal Regulations may be accessed at <https://www.ecfr.gov>.
- (24) "Nursing facility" means a nursing home as defined in G.S. 131E-101.
- (25) "Patient" means any person admitted for nursing care.
- (26) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and replacement of building systems at a nursing or combination facility.
- (27) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
- (28) "Resident" means any person admitted for care to an adult care home part of a combination facility.
- (29) "Respite care" means services provided for a patient on a temporary basis, not to exceed 30 days.
- (30) "Surveyor" means a representative of the Department who inspects nursing facilities and combination facilities to determine compliance with rules, laws, and regulations as set forth in G.S. 131E-117; Subchapters 13D and 13F of this Chapter; and 42 CFR Part 483, Requirements for States and Long Term Care Facilities.
- (31) "Violation" means a failure to comply with rules, laws, and regulations as set forth in G.S. 131E-117 and 131D-21; Subchapters 13D and 13F of this Chapter; or 42 CFR Part 483, Requirements for States and Long Term Care Facilities, that relates to a patient's or resident's health, safety, or welfare, or that creates a risk that death, or physical harm may occur.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Readopted Eff. July 1, 2016;

Amended Eff. October 1, 2021; January 1, 2021.

10A NCAC 13D .2101 APPLICATION REQUIREMENTS

(a) A legal entity shall submit an application for licensure for a new facility to the Nursing Home Licensure and Certification Section of the Division of Health Service Regulation at least 30 days prior to a license being issued or patients admitted.

(b) The application shall contain the following:

- (1) legal identity of applicant (licensee) and mailing address;
- (2) name or names under which the facility is presented to the public;
- (3) location and mailing address of facility;
- (4) ownership disclosure;
- (5) bed complement;
- (6) magnitude and scope of services offered;
- (7) name and current license number of the administrator;
- (8) name and current license number of the director of nursing; and
- (9) name and current license number of the medical director.

History Note: Authority G.S. 131E-104; 131E-102; Eff. January 1, 1996; Amended Eff. July 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2102 ISSUANCE OF LICENSE

(a) Only one license shall be issued to each facility. The Department shall issue a license to the licensee of the facility following review of operational policies and procedures and verification of compliance with applicable laws and rules.

(b) Licenses are not transferable.

(c) The bed capacity and services provided in a facility shall be in compliance with G.S. 131E, Article 9 regarding Certificate of Need.

(d) The license shall be posted in a prominent location, accessible to public view, within the licensed premises.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2103 LENGTH OF LICENSURE

Licenses shall remain in effect up to 12 months, unless any of the following occurs:

- (1) Department imposes an administrative sanction which specifies license expiration;
- (2) closure;
- (3) change of ownership;
- (4) change of site;
- (5) change in bed complement; or
- (6) failure to comply with Rule .2104 of this Section.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2104 REQUIREMENTS FOR LICENSURE RENEWAL OR CHANGES

(a) The Department shall renew the facility's license at the end of each calendar year, if the following occur:

- (1) The licensee maintains and submits to the Department, at least 30 days prior to the licensure expiration date, statistical data for the State's medical facilities plan and review for certificate of need determination. The Department shall provide forms annually to the facility for this purpose.
(2) The facility is in conformance with G.S. 131E-102(c).
(3) The combination facility shall specify on the annual license renewal application with which rules for the adult care home beds it plans to comply for the upcoming calendar year. The rule selection shall be effective for the duration of the renewed licensed year. The facility may choose one of the following:
(A) nursing home licensure rules under this Subchapter;
(B) adult care home licensure rules under 10A NCAC 13F; or
(C) a combination of nursing home and adult care home licensure rules. The facility shall identify in writing the specific rule governing compliance with the adult care home rules and shall identify in writing the specific requirements governing compliance with the nursing home rules.

(b) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health Service Regulation in writing and make changes in the licensure application at least 30 days prior to the occurrence of the following:

- (1) a change in the name or names under which the facility is presented to the public;
(2) a change in the legal identity (licensee) which has ownership responsibility and liability (such information shall be submitted by the proposed new owner);
(3) a change in the licensed bed capacity; or
(4) a change in the location of the facility.

The Department shall issue a new license following notification and verification of data submitted.

(c) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health Service Regulation within one working day following the occurrence of:

- (1) change in administration;
(2) change in the director of nursing;
(3) change in facility mailing address or telephone number;
(4) changes in magnitude or scope of services; or

- (5) emergencies or situations requiring relocation of patients to a temporary location away from the facility.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Amended Eff. September 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2105 TEMPORARY CHANGE IN BED CAPACITY

(a) A continuing care retirement community, having an agreement to care for all residents regardless of level of care needs, may temporarily increase bed capacity by 10 percent or 10 beds, whichever is less, over the licensed bed capacity for a period up to 60 days following notification to and approval by the Division of Health Service Regulation.

(b) In an emergency situation, such as a natural disaster, a facility may exceed its licensed capacity as determined by its disaster plan and as authorized by the Division of Health Service Regulation. Emergency authorizations shall not exceed 60 days.

(c) The Division shall authorize, in writing, a temporary increase in licensed beds in accordance with Paragraphs (a) and (b) of this Rule, if it is determined that:

- (1) the increase is not associated with a capital expenditure; and
(2) the increase would not jeopardize the health, safety and welfare of the patients.

History Note: Authority G.S. 131E-104; 131E-112; Eff. January 1, 1996; Amended Eff. March 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2106 DENIAL, AMENDMENT, OR REVOCATION OF LICENSE

(a) The Department shall deny any licensure application upon becoming aware that the applicant is not in compliance with G.S. 131E, Article 9 and the rules adopted under that law.

(b) The Department may amend a license by reducing it from a full license to a provisional license whenever the Department finds that:

- (1) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article; and
(2) there is continued non-compliance after the third revisit.

(c) The Department shall give the licensee written notice of the amendment to the license. This notice shall be given personally or by certified mail and shall set forth:

- (1) the length of the provisional license;
(2) a reference to the statement of deficiencies that contains the facts;
(3) the statutes or rules alleged to be violated; and
(4) notice of the facility's right to a contested case hearing on the amendment of the license.

(d) The provisional license shall be effective as specified in the notice and shall be posted in a location within the facility, accessible to public view, in lieu of the full license. The provisional license shall remain in effect until:

- (1) the Department restores the licensee to full licensure status; or
- (2) the Department revokes the licensee's license.

(e) The Department may revoke a license whenever:

- (1) The Department finds that:
 - (A) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article; and
 - (B) there continues to be non-compliance at the third revisit; or
- (2) The Department finds that there has been any failure to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article that endanger the health, safety or welfare of the patients in the facility.

(f) The issuance of a provisional license is not a procedural prerequisite to the revocation of a license pursuant to Paragraph (e) of this Rule.

(g) The Department may, in accordance with G.S. 131E-232, petition to have a temporary manager appointed to operate a facility.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2107 SUSPENSION OF ADMISSIONS

(a) The Department may suspend the admission of new patients to a facility when warranted under the provisions of G.S. 131E-109(c).

(b) The Department shall notify the facility personally or by certified mail of the decision to suspend admissions. Such notice shall include:

- (1) a reference to the statement of deficiencies that contains the facts;
- (2) citation of statutes and rules alleged to be violated; and
- (3) notice of the facility's right to a contested case hearing on the suspension.

(c) The suspension is effective on the date specified in the notice of suspension. The suspension shall remain effective until the facility demonstrates to the Department that conditions are no longer detrimental to the health and safety of the patients.

(d) The facility shall not admit new patients during the effective period of the suspension.

(e) Patients requiring hospitalization during the period of suspension of admissions shall be readmitted after hospitalization or on return from temporary care to the facility based on the availability of a bed and the ability of the facility to provide necessary care. Upon return from the hospital, the requirements of G.S. 131E-130 apply.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2108 PROCEDURE FOR APPEAL

(a) The facility may appeal any decision of the Department to deny, revoke or alter a license or any decision to suspend admissions by making such an appeal in accordance with G.S. 150B and 10A NCAC 01.

(b) A decision to issue a provisional license is stayed during the pendency of an administrative appeal and the licensee may continue to display full license during the appeal.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2109 INSPECTIONS

(a) The facility shall allow inspection by an authorized representative of the Department at any time.

(b) At the time of inspection, any authorized representative of the Department shall make his or her presence known to the administrator or other person in charge who shall cooperate with the representative and facilitate the inspection.

(c) Inspections of medical records will be carried out in accordance with G.S. 131E-105.

(d) The administrator shall provide and make available to representatives of the Department financial and statistical records required to verify compliance with all rules contained in this Subchapter.

(e) The Department shall mail a written report to the facility within 10 working days from the date of the licensure survey or complaint investigation exit conference. The report shall include statements of any deficiencies or violations cited during the survey or investigation.

(f) The administrator shall prepare a written plan of correction and mail it to the Department within 10 working days following receipt of any statement of deficiencies or violations. The Department shall review and accept or reject the plan of correction, with written notice given to the administrator within 10 working days following receipt of the plan.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2201 ADMINISTRATOR

(a) A facility shall be under the control of an administrator licensed by the North Carolina State Board of Examiners for Nursing Home Administrators.

(b) If an administrator is not the sole owner of a facility, his or her authority and responsibility shall be defined in a written agreement or in the facility's governing bylaws.

(c) The administrator shall be responsible for the operation of a facility.

(d) The administrator shall comply with the rules of this Subchapter.

(e) The administrator shall be responsible for developing and implementing policies for the management and operation of the facility as set forth in 21 NCAC 37B .0204, which is incorporated herein by reference including subsequent amendments and editions. These rules may be accessed free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

(f) In the physical absence of the administrator, a person shall be on-site who is designated to be in charge of the facility operation.

History Note: Authority G.S. 131E-104; 131E-116; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Amended Eff. January 1, 2018.

10A NCAC 13D .2202 ADMISSIONS

(a) No patient shall be admitted except by a physician. Admission shall be in accordance with facility policies and procedures.

(b) The facility shall acquire, prior to or at the time of admission, orders for the immediate care of the patient from the admitting physician.

(c) Within 48 hours of admission, the facility shall acquire medical information which shall include current medical findings, diagnoses, and other information necessary to formalize the initial plan of care.

(d) Only persons who are 18 years of age or older shall be admitted to the adult care home portion of a combination facility.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2203 PATIENTS NOT TO BE ADMITTED

(a) Patients who require health, habilitative or rehabilitative care beyond those for which the facility is licensed and is capable of providing shall not be admitted to the licensed nursing home.

(b) No person requiring continuous nursing care shall be admitted to an adult care home bed in a combination facility, except under emergency situations as described in Rule .2105 of this Subchapter. Should an existing resident of an adult care home bed require continuous nursing care, the facility shall either discharge the resident or provide the next available nursing facility bed (that is not needed to comply with G.S. 131E-130) to the resident to ensure continuity of care and to prevent unnecessary discharge from the facility.

(c) During the resident's stay in the adult care section of the combination facility, the facility shall ensure that necessary nursing services are provided. Should the facility be unable to provide necessary services the resident requires, whether in the

adult care or nursing section, the facility shall follow discharge procedures according to Rule .2205 of this Subchapter.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2204 RESPITE CARE

(a) Respite care is not required as a condition of licensure. Facilities providing respite care, however, shall meet the requirements of this Subchapter with the following exceptions: Rules .2205, .2301, and .2501(b) and (c) of this Subchapter.

(b) Facilities providing respite care shall meet the following additional requirements:

- (1) A patient's descriptive record of stay shall include the preadmission or admission assessment, interdisciplinary notes as warranted by episodic events, medication administration records and a summary of the stay upon discharge.
- (2) The facility shall complete a preadmission or admission assessment which allows for the development of a short-term plan of care and is based on the patient's customary routine. The assessment shall address needs, including but not limited to identifying information, customary routines, hearing, vision, cognitive ability, functional limitations, continence, special procedures and treatments, skin conditions, behavior and mood, oral and nutritional status and medication regimen. The plan shall be developed to meet the respite care patient's needs.
- (3) The attending physician of the respite care patient will be notified of any acute changes or acute episode which warrant medical involvement. Medical orders and progress notes shall be written following the physician's visits.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2205 DISCHARGE OF PATIENTS

(a) The facility shall ensure a medical order for discharge is obtained for all patients except when a patient leaves against medical advice or is discharged for non-payment.

(b) The facility shall ensure discharge planning is accomplished according to each patient's needs when a discharge is anticipated.

(c) The facility shall ensure the patient or the legal representative is informed and included in the discharge planning process.

History Note: Authority G.S. 131E-104;

Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2206 MEDICAL DIRECTOR

- (a) The facility shall designate a physician to serve as medical director.
- (b) The medical director shall be responsible for implementation of patient care policies and coordination of medical care in the facility.

History Note: Authority G.S. 131E-104;
RRC objection due to lack of statutory authority Eff. July 13,
1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2207 PATIENT RIGHTS

- (a) The facility shall enforce the Nursing Facility Patient's Bill of Rights as described in G.S. 131E-115 through G.S. 131E-127.
- (b) In matters of patient abuse, neglect or misappropriation the definitions shall have the meaning defined in Rule .2001 of this Subchapter.

History Note: Authority G.S. 131E-104; 131E-131;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2208 SAFETY

- (a) The facility shall have detailed written plans and procedures to meet potential emergencies and disasters, including but not limited to fire, severe weather and missing patients or residents.
- (b) The plans and procedures shall be made available upon request to local or regional emergency management offices.
- (c) The facility shall provide training for all employees in emergency procedures upon employment and annually.
- (d) The facility shall conduct unannounced drills using the emergency procedures.
- (e) The facility shall ensure that:
 - (1) the patients' environment remains as free of accident hazards as possible; and
 - (2) each patient receives adequate supervision and assistance to prevent accidents.

History Note: Authority G.S. 131E-104;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2209 INFECTION CONTROL

- (a) A facility shall establish and maintain an infection control program for the purpose of providing a safe, clean and comfortable environment and preventing the transmission of diseases and infection.
- (b) Under the infection control program, the facility shall decide what procedures, such as isolation techniques, are needed for

individual patients, investigate episodes of infection and attempt to control and prevent infections in the facility.

- (c) The facility shall maintain records of infections and of the corrective actions taken.
- (d) The facility shall ensure communicable disease testing as required by 10A NCAC 41A, "Communicable Disease Control" which is incorporated by reference, including subsequent amendments. Copies of these Rules may be obtained at no charge by contacting the N.C. Department of Health and Human Services, Division of Public Health, Tuberculosis Control Branch, 1902 Mail Service Center, Raleigh, North Carolina 27699-1902. Screening shall be done upon admission of all patients being admitted from settings other than hospitals, nursing facilities or combination facilities. Staff shall be screened within seven days of the hire date. The facility shall ensure tuberculosis screening annually thereafter for patients and staff.
- (e) All cases of reportable disease as defined by 10A NCAC 41A "Communicable Disease Control" and outbreaks consisting of two or more linked cases of disease transmission shall be reported to the local health department.
- (f) The facility shall use isolation precautions for any patient deemed appropriate by its infection control program and as recommended by the following Centers for Disease Control guidelines, Management of Multidrug-Resistant Organisms In Healthcare Settings, 2006, <http://www.cdc.gov/ncidod/dhqp/pdf/ar/MDROGuideline2006.pdf> and 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings, <http://www.cdc.gov/hicpac/2007ip/2007isolationprecautions.html>.
- (g) The facility shall prohibit any employee with a communicable disease or infected skin lesion from direct contact with patients or their food, if direct contact is the mode of transmission of the disease.
- (h) The facility shall require all staff to use hand washing technique as indicated in the Centers for Disease Control, "Guideline for Hand Hygiene in Health-Care Settings, Recommendations of the Healthcare Infection Control Practices Advisory Committee and the HICPAC/SHEA/APIC/IDSA Hand Hygiene Task Force". This information can be accessed at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5116a1.htm>.
- (i) All linen shall be handled, store, processed and transported so as to prevent the spread of infection.

History Note: Authority G.S. 131E-104; 131E-113;
Eff. January 1, 1996;
Amended Eff. July 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2210 REPORTING AND INVESTIGATING ABUSE, NEGLECT OR MISAPPROPRIATION

- (a) A facility shall take measures to prevent patient abuse, patient neglect, or misappropriation of patient property, including orientation and instruction of facility staff on patients' rights and the screening of and requesting of references for all prospective employees.

(b) A facility shall ensure that the Division of Health Service Regulation is notified within 24 hours of the facility's becoming aware of any allegation against health care personnel of any act listed in G.S. 131E-256(a)(1).

(c) A facility shall investigate allegations of any act listed in G.S. 131E-256(a)(1), shall document all information pertaining to such investigation, and shall take the necessary steps to prevent further incidents while the investigation is in progress.

(d) A facility shall ensure that the report of investigation is printed or typed and sent to the Division of Health Service Regulation within five working days of the allegation. The report shall include:

- (1) the date and time of the alleged incident;
- (2) the patient's full name and room number;
- (3) details of the allegation and any injury;
- (4) names of the accused and any witnesses;
- (5) names of the facility staff who investigated the allegation;
- (6) results of the investigation; and
- (7) any corrective action that was taken by the facility.

History Note: Authority G.S. 131E-104; 131E-131; 131E-255; 131E-256; Eff. January 1, 1996; Amended Eff. July 1, 2014; February 1, 2013; August 1, 2008; October 1, 1998; Readopted Eff. July 1, 2016.

10A NCAC 13D .2211 PERSONNEL STANDARDS

(a) The facility shall employ the types and numbers of qualified staff, professional and non-professional, necessary to provide for the health, safety and proper care of patients.

(b) Each employee shall be assigned duties consistent with his or her job description and with his or her level of education and training.

(c) Professional staff shall be licensed, certified or registered in accordance with applicable state laws.

(d) The facility shall provide orientation regarding facility policies and procedures for all staff upon employment.

(e) The facility shall train all staff periodically in accordance with their job duties.

(f) The facility shall maintain an individual personnel record for each employee, including verification of credentials.

(g) The facility shall have a written agreement with any nursing personnel agency providing staff to the facility and shall orient agency staff as to facility policies and procedures.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2212 QUALITY ASSURANCE COMMITTEE

(a) The administrator shall establish a quality assessment and assurance committee that consists of the director of nursing, a physician designated by the facility, a pharmacist and at least three other staff members.

(b) The committee shall meet at least quarterly.

(c) The committee shall develop and implement appropriate plans of action which will correct identified quality care problems.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2301 PATIENT ASSESSMENT AND PLAN OF CARE

(a) At the time each patient is admitted, the facility shall ensure medical orders are available for the patient's immediate care and that, within 24 hours, a nursing assessment of immediate needs is completed by a registered nurse and measures implemented as appropriate.

(b) The facility shall perform, within 14 days of admission and at least annually, a comprehensive, accurate, documented assessment of each patient's capability to perform daily life functions. This comprehensive assessment shall be coordinated by a registered nurse and shall include at least the following:

- (1) current medical diagnoses;
- (2) medical status measurements, including current cognitive status, stability of current conditions and diseases, vital signs, and abnormal lab values and diagnostic tests that are a part of the medical history;
- (3) the patient's ability to perform activities of daily living, including the need for staff assistance and assistive devices, and the patient's ability to make decisions;
- (4) presence of neurological or muscular deficits;
- (5) nutritional status measurements and requirements, including but not limited to height, weight, lab work, eating habits and preferences, and any dietary restrictions;
- (6) special care needs, including but not limited to pressure sores, enteral feedings, specialized rehabilitation services or respiratory care;
- (7) indicators of special needs related to patient behavior or mood, interpersonal relationships and other psychosocial needs;
- (8) facility's expectation of discharging the patient within the three months following admission;
- (9) condition of teeth and gums, and need and use of dentures or other dental appliances;
- (10) patient's ability and desire to take part in activities, including an assessment of the patient's normal routine and lifetime preferences;
- (11) patient's ability to improve in functional abilities through restorative care;
- (12) presence of visual, hearing or other sensory deficits; and
- (13) drug therapy.

(c) The facility shall develop a comprehensive plan of care for each patient and shall include measurable objectives and

timetables to meet needs identified in the comprehensive assessment. The facility shall ensure the comprehensive plan of care is developed within seven days of completion of the comprehensive assessment by an interdisciplinary team. To the extent practicable, preparation of the comprehensive plan of care shall include the participation of the patient and the patient's family or legal representative. The physician may participate by alternative methods, including, but not limited to, telephone or face-to-face discussion, or written notice.

(d) The facility shall review comprehensive assessments and plans of care no less frequently than once every 90 days and make necessary revisions to ensure accuracy.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. February 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2302 NURSING SERVICES

(a) The facility shall designate a registered nurse to serve as the director of nursing on a full-time basis.

(b) The director of nursing shall be responsible for the administering of nursing services.

(c) The director of nursing may serve also as nurse-in-charge, only if the average daily occupancy is less than 60.

(d) The director of nursing shall not serve as administrator, assistant administrator or acting administrator during an employment vacancy in the administrator position.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2303 NURSE STAFFING REQUIREMENTS

(a) A facility shall provide licensed nursing staff sufficient to accomplish the following:

- (1) patient needs assessment;
- (2) patient care planning; and
- (3) supervisory functions in accordance with the levels of patient care advertised or offered by the facility.

(b) A facility must have sufficient nursing staff to provide nursing and related services to attain or maintain the physical, mental, and psychosocial well-being of each patient, as determined by patient assessments and individual plans of care.

(c) A multi-storied facility shall have at least one nurse aide on duty on each patient care floor at all times.

(d) Except for designated units with higher staffing requirements noted elsewhere in this Subchapter, daily direct patient care nursing staff, licensed and unlicensed, shall include:

- (1) at least one licensed nurse on duty for direct patient care at all times; and

- (2) a registered nurse for at least eight consecutive hours a day, seven days a week. This coverage may be spread over more than one shift if such a need exists. The director of nursing may be counted as meeting the requirements for both the director of nursing and patient staffing for facilities with a total census of 60 nursing beds or less.

History Note: Authority G.S. 131E-104; 131E-114.1; Eff. January 1, 1996; Amended Eff. January 1, 2013; Readopted Eff. July 1, 2016.

10A NCAC 13D .2304 NURSE AIDES

(a) A facility shall employ or contract individuals as nurse aides in compliance with N.C. General Statute 131E, Article 15 and facilities certified for Medicare or Medicaid participation shall also comply with 42 CFR Part 483 which is incorporated by reference, including subsequent amendments. The Code of Federal Regulations may be accessed at http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08.

(b) A facility shall provide to the Department, upon request, verification of in-service training and of past or present employment of any nurse aide employed by the facility.

History Note: Authority G.S. 131E-104; 131E-255; 143B-165; 42 U.S.C. 1395; 42 U.S.C. 1396; Eff. January 1, 1996; Amended Eff. July 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2305 QUALITY OF CARE

(a) The facility shall provide necessary care and services in accordance with medical orders, the patient's comprehensive assessment and on-going plan of care.

(b) Acute changes in the patient's physical, mental or psychosocial status shall be evaluated and reported to the physician or other persons legally authorized to perform medical acts.

(c) The facility shall not utilize any chemical or physical restraints for the purpose of discipline or convenience, and that are not required to treat the patient's medical condition. An evaluation shall be done to ensure that the least restrictive means of restraint have been initiated on patients requiring restraints.

(d) The facility shall ensure that all patients who are unable to perform activities of daily living receive the necessary assistance to maintain good grooming, and oral and personal hygiene. The facility shall ensure appropriate measures are taken to restore the patient's ability to bathe, dress, groom, transfer and ambulate, toilet and eat.

(e) The facility shall ensure measures are taken to prevent the formation of pressure sores and to promote healing of existing pressure sores. The facility shall ensure that patients with limited mobility receive appropriate care to promote comfort and maintain skin integrity.

(f) The facility shall ensure that in-dwelling catheters are not used unless the patient's clinical condition necessitates their use. The

facility shall ensure incontinent patients receive appropriate treatment to prevent infections and to regain continence to the degree possible.

(g) The facility shall ensure that patients with limited range of motion, or who are at risk for loss of range of motion, receive treatment services to prevent development of contractures or deformities, and to obtain and maintain their optimal level of functioning.

(h) The facility shall ensure that patients who are unable to feed themselves receive the appropriate assistance, retraining and assistive devices when needed.

(i) The facility shall ensure that enteral feeding tubes are used only when the patient's condition indicates the use of an enteral feeding tube is unavoidable.

(j) The facility shall ensure that patients fed by enteral feeding tubes receive the proper treatment to avoid aspiration pneumonia, metabolic and gastrointestinal problems, and to restore the patient to the highest practicable level of normal feeding function. The facility shall ensure appropriate care and services are provided to address needs related to hydration and nutrition.

(k) The facility shall ensure that patients requiring special respiratory care receive appropriate services.

(l) The facility shall ensure that patients are assisted to utilize personal visual lenses, hearing aids and dentures.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2306 MEDICATION ADMINISTRATION

(a) The facility shall ensure that medications are administered in accordance with applicable occupational licensure regulations and manufacturer's recommendations.

(b) The facility shall ensure that each patient's drug regimen is free from drugs used in excessive dose or duplicative therapy, for excessive duration or without indications for the prescription of the drug. Drugs shall not be used without monitoring or in the presence of adverse conditions that indicate the drugs' usage should be modified or discontinued. As used in this Paragraph:

- (1) "Excessive dose" means the total amount of any medication (including duplicate therapy) given at one time or over a period of time that is greater than the amount recommended by the manufacturer for a resident's age and condition.
- (2) "Excessive Duration" means the medication is administered beyond the manufacturer's recommended time frames or facility-established stop order policies or without either evidence of additional therapeutic benefit for the resident or clinical evidence that would warrant the continued use of the medication.
- (3) "Duplicative Therapy" means multiple medications of the same pharmacological class or category or any medication therapy that replicates a particular effect of another medication that the individual is taking.

(4) "Indications for the prescription" means a documented clinical rationale for administering a medication that is based upon an assessment of the resident's condition and therapeutic goals and is consistent with manufacturer's recommendations.

(5) "Monitoring" means ongoing collection and analysis of information (such as observations and diagnostic test results) and comparison to baseline data in order to:

- (A) Ascertain the individual's response to treatment and care, including progress or lack of progress toward a therapeutic goal;
- (B) Detect any complications or adverse consequences of the condition or of the treatments; and
- (C) Support decisions about modifying, discontinuing, or continuing any interventions.

(c) Antipsychotic therapy shall not be initiated on any patient unless necessary to treat a clinically diagnosed and clinically documented condition. When antipsychotic therapy is prescribed, unless clinically contraindicated, gradual dose reductions and behavioral interventions shall be employed in an effort to discontinue these drugs. "Gradual dose reduction" means the stepwise tapering of a dose to determine if symptoms, conditions or risks can be managed by a lower dose or if the dose or the medication can be discontinued.

(d) The facility shall ensure that procedures aimed at minimizing medication error rates include the following:

- (1) All medications or drugs and treatments shall be administered and discontinued in accordance with signed medical orders which are recorded in the patient's medical record. Such orders shall be complete and include drug name, strength, quantity to be administered, route of administration, frequency and, if ordered on an as-needed basis, a stated indication for use.
- (2) The requirements for self-administration of medication shall include the following:
 - (A) determination by the interdisciplinary team that this practice is safe;
 - (B) administration ordered by the physician or other person legally authorized to prescribe medications;
 - (C) instructions for administration printed on the medication label; and
 - (D) administration of medication monitored by the nursing staff and consultant pharmacist.
- (3) The administration of one patient's medications to another patient is prohibited except in the case of an emergency. In the event of such emergency, the facility shall ensure that the borrowed medications are replaced and so documented.

- (4) Omission of medications and the reason for omission shall be indicated in the patient's medical record.
- (5) Medication administration records shall provide time of administration, identification of the drug and strength of drug, quantity of drug administered, route of administration, frequency, documentation sufficient to determine the staff who administered the drugs. Medication administration records shall indicate documentation of injection sites and topical medication sites requiring rotation of transdermal medication.
- (6) The pharmacy shall receive an exact copy of each physician's order for medications and treatments.
- (7) When medication orders do not state the number of doses or days to administer the medication, the facility shall implement automatic stop orders according to manufacturer's recommendations.
- (8) The facility shall maintain an accountability of controlled substances as defined by the North Carolina Controlled Substances Act, G.S. 90, Article 5.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2307 DENTAL CARE AND SERVICES

- (a) The facility shall ensure that routine and emergency dental services are available for all patients.
- (b) The facility shall, if necessary, assist the patient in making appointments and obtaining transportation to the dentist's office.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2308 ADULT CARE HOME PERSONNEL REQUIREMENTS

- (a) The administrator of a combination home shall designate a person to be in charge of the adult care home residents at all times. The nurse-in-charge of the nursing facility may also serve as supervisor-in-charge of the domiciliary beds.
- (b) If adult care home beds are located in a separate building or a separate level of the same building, there shall be a person on duty in the adult care home portion of the facility at all times.

History Note: Authority G.S. 131E-104; RRC Objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. July 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2309 CARDIO-PULMONARY RESUSCITATION

- (a) Each facility shall develop and implement a Cardio-Pulmonary Resuscitation (CPR) policy.
- (b) The policy shall be communicated to all residents or their responsible party prior to admission.
- (c) Upon admission each resident or his or her responsible party must acknowledge in writing having received a copy of the policy.
- (d) The policy shall designate an outside emergency medical service provider to be immediately notified whenever an emergency occurs.
- (e) The policy shall designate the level of CPR that is available using terminology defined by the American Heart Association. American Heart Association terminology is as follows:
 - (1) Heartsaver CPR;
 - (2) Heartsaver Automatic External Defibrillator (AED);
 - (3) Basic Life Support (BLS); or
 - (4) Advanced Cardiac Life Support (ACLS).

(f) The facility shall maintain staff on duty 24 hours a day trained by someone with valid certification from the American Heart Association or American Red Cross capable of providing CPR at the level stated in the policy. The facility shall maintain a record in the personnel file of each staff person who has received CPR training.

- (g) The facility shall have equipment readily available as required to deliver services stated in the policy.
- (h) The facility shall provide training for staff members who are responsible for providing CPR with regards to the location of resources and measures for self- protection while administering CPR.

History Note: Authority G.S. 131E-104; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2401 MAINTENANCE OF MEDICAL RECORDS

- (a) The facility shall establish a medical records service. It shall be directed, staffed and equipped to ensure:
 - (1) records are processed, indexed and filed accurately;
 - (2) records are stored in such a manner as to provide protection from loss, damage or unauthorized use;
 - (3) records contain sufficient information to identify the patient plus a record of all assessments; plan of care; pre-admission screening, if applicable; records of implementation of plan of care; progress notes; and record of discharge, including a discharge summary signed by the physician; and
 - (4) records are readily accessible by authorized personnel.

(b) The facility shall ensure that a master patient index is maintained, listing patients alphabetically by name, dates of admission, dates of discharge and case number.

(c) The administrator shall designate an employee who works full-time to be the medical records manager. The manager shall advise, administer, supervise and perform work involved in the development, analysis, maintenance and use of medical records and reports. If that employee is not qualified by training or experience in medical record science, he or she shall receive consultation from a registered records administrator or an accredited medical record technician to ensure compliance with rules contained in this Subchapter. The facility shall provide orientation, on-the-job training and in-service programs for all medical records personnel.

*History Note: Authority G.S. 131E-104;
RRC objection due to lack of statutory authority Eff. July 13, 1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

10A NCAC 13D .2402 PRESERVATION OF MEDICAL RECORDS

(a) A facility shall keep medical records on file for five years following the discharge of an adult patient.

(b) Notwithstanding Paragraph (c) of this Rule, if the patient is a minor when discharged from the nursing facility, the records shall be kept on file until his or her 19th birthday and for the additional time specified in G.S. 1-17(b) for commencement of an action on behalf of a minor.

(c) If a facility discontinues operation, the licensee shall inform the Division of Health Service Regulation where its records are stored. For five years after a facility discontinues operations, records shall be stored with a business offering medical record storage and retrieval services.

(d) All medical records are confidential. A facility shall comply with 42 CFR Parts 160, 162 and 164 of the Health Insurance Portability and Accountability Act.

(e) At the time of the inspection, a facility shall inform the surveyor of the name of any patient who has denied the Department access to his or her medical record pursuant to G.S. 131E-105.

*History Note: Authority G.S. 131E-104; 131E-105;
Eff. January 1, 1996.
Amended Eff. November 1, 2014;
Readopted Eff. July 1, 2016.*

10A NCAC 13D .2501 AVAILABILITY OF PHYSICIAN'S SERVICES

(a) The facility shall ensure each patient's care is supervised by a physician and that provisions are made for emergency physicians when attending physicians are unavailable. The names and telephone numbers of the designated physicians shall be posted at each nurse's station.

(b) Patients shall be seen by a physician at least once every 30 days for the first 90 days and at least every 60 days thereafter. Following the initial visit, the physician may delegate this

responsibility to a physician assistant or nurse practitioner every other visit. A physician's visit is considered timely if the visit occurs not later than 10 days after the visit was required.

(c) Physicians shall review the patient's medical plan of care, write or dictate and sign progress notes; and sign and date all current orders at each visit.

(d) Medical orders, given orally by the physician, nurse practitioner or physician assistant, shall be given only to a licensed nurse or other licensed professional who by law is allowed to accept physician's orders, except orders for therapeutic diets which shall be given either to a dietitian or licensed nurse. The record of each telephone order shall include the name of physician giving the order, or other person legally authorized to prescribe, date and time of order, content of order and name of person receiving the order. The physician, or other person legally authorized to prescribe, who gives oral orders shall sign the orders within five days.

*History Note: Authority G.S. 131E-104;
RRC objection due to lack of statutory authority and ambiguity Eff. July 13, 1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

10A NCAC 13D .2502 PRIVATE PHYSICIAN

(a) Each patient or legal representative shall be allowed to select his or her private physician except in those facilities affiliated with medical teaching programs and having written policies requiring all patients to participate in the medical teaching program.

(b) The private physician shall fulfill given requirements as determined by applicable state and federal regulations, and the facility's policies and procedures pertaining to physician services.

(c) The facility shall have the right, after informing the patient, to seek an alternative physician, when requirements are not being met and to ensure that the patient is provided with appropriate, adequate care and treatment.

*History Note: Authority G.S. 131E-104;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

10A NCAC 13D .2503 USE OF NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS

(a) Any facility that employs nurse practitioners or physician assistants shall maintain the following information for each nurse practitioner and physician assistant:

- (1) verification of current approval to practice as a nurse practitioner by the Medical Board and Board of Nursing for each practitioner, or verification of current approval to practice as a physician assistant by the Medical Board for each physician assistant; and
- (2) a copy of the job description or contract signed by the nurse practitioner or physician assistant and the supervising physicians.

(b) The privileges of the nurse practitioner or physician assistant shall be defined by the facility's policies and procedures, and shall

be limited to those privileges authorized in 21 NCAC 36 .0802 and .0809 for the nurse practitioner or 21 NCAC 32S .0212 for the physician assistant.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Amended Eff. November 1, 2014; Readopted Eff. July 1, 2016.

10A NCAC 13D .2504 LABORATORY AND RADIOLOGY SERVICES

The facility shall provide or obtain clinical laboratory and radiology services to ensure that each patient's needs are met. Such services shall include the following:

- (1) provision of laboratory and radiology services within the facility or by contractual agreement;
- (2) diagnostic testing to be done only in accordance with a medical order;
- (3) reports to be dated once filed in the patient's medical record;
- (4) notification of the physician, nurse practitioner or physician assistant regarding findings; and
- (5) assistance in arranging transportation for the patient when testing must be done other than in the facility.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2505 BRAIN INJURY LONG-TERM CARE PHYSICIAN SERVICES

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

10A NCAC 13D .2601 AVAILABILITY OF PHARMACEUTICAL SERVICES

(a) The facility shall provide pharmaceutical services under the supervision of a pharmacist, including procedures that ensure the accurate acquiring, receiving and administering of all drugs and biologicals.

(b) The facility shall be responsible for obtaining drugs, therapeutic nutrients and related products prescribed or ordered by a physician for patients in the facility.

(c) To ensure that drug therapy is rational, safe and effective, a pharmaceutical care assessment shall be conducted in the facility at least every 31 days for each patient. All new admissions shall receive a pharmaceutical care assessment at the time of the pharmacist's next visit or within 31 days, whichever comes first. This assessment shall include at least:

- (1) a review of the patient's diagnoses, history and physical, discharge summary, diet, vital signs,

current physician's orders, laboratory values, progress notes, interdisciplinary care plans and medication administration records; and

- (2) the pharmacist's progress notes in the patient's medical record which reflect the results of this assessment and, if necessary, recommendations for change based on desired drug outcomes.

History Note: Authority G.S. 131E-104; 131E-117; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2602 PHARMACY PERSONNEL

(a) If the pharmacist is an employee of the facility and performs vending or clinical services, an up-to-date job description and personnel file shall be maintained.

(b) If pharmaceutical vending or clinical services are contracted, there shall be a current written agreement for each service which includes a statement of responsibilities for each party.

(c) The facility shall keep, or be able to make available, a copy of the current license of the pharmacists.

History Note: Authority G.S. 131E-104; 131E-117; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2603 ADMINISTRATIVE RESPONSIBILITIES

(a) The pharmacist shall report any potential drug therapy irregularities or discrepancies in drug accountability and administration with recommendations for change to the director of nursing and the attending physician. Recommendations shall be communicated to the health care professionals in the facility who have the authority to effect a change. These reports shall be submitted monthly following the pharmacist's pharmaceutical care assessments.

(b) The administrator shall ensure documentation of action taken relative to the pharmacist's reports.

History Note: Authority G.S. 131E-104; 131E-117; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2604 DRUG PROCUREMENT

(a) The facility shall not possess a stock of prescription drugs for general or common use except as permitted by the North Carolina Board of Pharmacy and as follows:

- (1) for all intravenous and irrigation solutions in single unit quantities exceeding 49 ml. and related equipment for the use and administration of such;
- (2) diagnostic agents;
- (3) vaccines;

- (4) drugs designated for inclusion in an emergency kit approved by the facility's Quality Assurance Committee;
- (5) water for injection; and
- (6) normal saline for injection.

(b) Patient Drugs:

- (1) The contents of all prescriptions shall be kept in the original container bearing the original label as described in Subparagraph (b)(2) of this Rule.
- (2) Except in a 72-hour or less unit dose system, each individual patient's prescription drugs shall be labeled with the following information:
 - (A) the name of the patient for whom the drug is intended;
 - (B) the most recent date of issue;
 - (C) the name of the prescriber;
 - (D) the name and concentration of the drug, quantity dispensed, and prescription serial number;
 - (E) a statement of generic equivalency which shall be indicated if a brand other than the brand prescribed is dispensed;
 - (F) the expiration date, unless dispensed in a single unit or unit dose package;
 - (G) auxiliary statements as required of the drug;
 - (H) the name, address and telephone number of the dispensing pharmacy; and
 - (I) the name of the dispensing pharmacist.

(c) Non-prescription drugs shall be kept in the original container as received from the supplier and shall be labeled with at least:

- (1) the name and concentration of the drug, and quantity packaged;
- (2) the name of the manufacturer, lot number and expiration date.

History Note: Authority G.S. 131E-104; 131E-117; Eff. January 1, 1996; Amended Eff. January 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2605 DRUG STORAGE AND DISPOSITION

(a) A facility shall ensure that drug storage areas are clean, secure, well lighted and well ventilated; that room temperature is maintained between 59 degrees F. and 86 degrees F.; and that the following conditions are met:

- (1) All drugs shall be maintained under locked security except when under the direct physical supervision of a nurse or pharmacist.
- (2) Drugs requiring refrigeration shall be stored in a refrigerator containing a thermometer and capable of maintaining a temperature range of 2 degrees C. to 8 degrees C. (36 degrees F. to 46 degrees F.) Drug containers must be placed

in another container separate from non-drug items when stored in a refrigerator.

- (3) Drugs intended for topical use, except for ophthalmic, otic and transdermal medications, shall be stored in an area separate from the drugs intended for oral and injectable use.

- (4) Drugs that are outdated, discontinued or deteriorated shall be removed from the facility within five days.

(b) Upon discontinuation of a drug or upon discharge of a patient, the remainder of the drug supply shall be disposed of according to the facility's policy. If it is reasonably expected that the patient will return to the facility and that the drug therapy will be resumed, the remaining drug supply may be held for not more than 30 calendar days after the date of discharge or discontinuation.

(c) The disposition of drugs shall be in accordance with written policies and procedures established by the Quality Assurance Committee.

(d) Destruction of controlled substances shall be in compliance with Disposal of Unused Controlled Substances From Nursing Home as described in 10A NCAC 26E .0406, which is hereby incorporated by reference including subsequent amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

History Note: Authority G.S. 131E-104; 131E-117; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. July 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2606 PHARMACEUTICAL RECORDS

(a) A facility shall ensure that accurate records of the receipt, use and disposition of drugs are maintained and readily available.

(b) A facility shall ensure accountability of controlled substances as defined by the Disposal of Unused Controlled Substances From Nursing Home as described in 10A NCAC 26E .0406, which is hereby incorporated by reference including subsequent amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

History Note: Authority G.S. 131E-104; 131E-117; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. July 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2607 EMERGENCY DRUGS

(a) A facility shall maintain a supply of emergency drugs in compliance with 10A NCAC 26E .0408 which is hereby incorporated by reference including subsequent amendments. This Rule can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

- (b) Emergency drugs shall be stored in a portable container sealed with an easily breakable closure which cannot be resealed or reused and shall be readily accessible for use.
- (c) Emergency drug kits shall be stored in a locked storage cabinet or room out of sight of patients and the general public. If stored in a locked area the kits shall be accessible to all licensed nursing personnel.
- (d) All emergency drugs and quantity to be maintained shall be approved by the Quality Assurance Committee as defined in 10A NCAC 13D .2212.
- (e) If emergency drug items require refrigerated storage, they shall be stored in a separate sealed container within the medication refrigerator. The container shall be labeled to indicate the emergency status of the enclosed drug and sealed as indicated in Paragraph (b) of this Rule.
- (f) An accurate inventory of emergency drugs and supplies shall be maintained with each emergency drug kit.
- (g) A facility shall examine the refrigerated and non-refrigerated emergency drug supply at least every 90 days and make any necessary changes at that time.
- (h) The facility shall have written policies and procedures which are enforced to ensure that in the event the sealed emergency drug container is opened and contents utilized, steps are taken to replace the items used.
- (i) The availability of a controlled substance in an emergency kit shall be in compliance with the North Carolina Controlled Substances Act and Regulations (10A NCAC 26E) which is hereby incorporated by reference including subsequent amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

History Note: Authority G.S. 131E-104; 131E-117; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. July 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2701 PROVISION OF NUTRITION AND DIETETIC SERVICES

- (a) A facility shall ensure that each patient is provided with a palatable diet that meets his or her daily nutritional and specialized nutritional needs.
- (b) The facility shall designate a person to be known as the director of food service who shall be responsible for the facility's dietetic service and for supervision of dietetic service personnel.
- (c) Based on a resident's assessment, the nursing home must ensure that a patient maintains nutritional status, such as body weight and protein levels, unless the patient's clinical condition demonstrates that it is not possible.
- (d) There shall be sufficient personnel employed to meet the nutritional needs of all patients in the areas of therapeutic diets, food preparation and service, principles of sanitation, and resident's preferences as related to food services.
- (e) The facility shall ensure that menus are followed which meet the nutritional needs of patients in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences

which are incorporated by reference, including subsequent amendments. Copies of this publication may be obtained by contacting The National Academy Press, 500 Fifth St. N.W., Washington, D.C. 20001 or accessing it at http://www.nap.edu/catalog.php?record_id=1349. Menus shall:

- (1) be planned at least 14 days in advance,
 - (2) provide for substitutes of similar nutritive value for patients who refuse food that is served, and
 - (3) be provided to patients orally or written through such methods as posting and daily announcements.
- (f) Food must be prepared to conserve its nutritive value and appearance.
 - (g) Food shall be served at the preferred temperature as discerned by the resident and customary practice, in a form to meet the patient's individual needs and with assistive devices as dictated by the patient's needs. Hot foods shall leave the kitchen (or steam table) above 135 degrees F; and cold foods below 41 degrees F. The freezer must keep frozen foods frozen solid.
 - (h) If patients require assistance in eating, food shall be maintained at the appropriate temperature until assistance is provided.
 - (i) All diets, including enteral and parenteral nutrition therapy, shall be as ordered by the physician or other legally authorized person, and served as ordered.
 - (j) At least three meals shall be served daily to all patients in accordance with medical orders.
 - (k) No more than 14 hours shall elapse between an evening meal containing a protein food and a morning meal containing a protein food.
 - (l) Hour-of-sleep (hs) nourishment shall be available to patients upon request or in accordance with nutritional plans.
 - (m) Between-meal fluids for hydration shall be available and offered to all patients in accordance with medical orders.
 - (n) The facility shall have a current online or hard copy nutrition care manual or handbook approved by the dietitian, medical staff and the Administrator which shall be used in the planning of the regular and therapeutic diets and be accessible to all staff.
 - (o) Food services shall comply with Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments (15A NCAC 18A .1300) as promulgated by the Commission for Public Health which are incorporated by reference, including subsequent amendments, assuring storage, preparation, and serving of food under sanitary conditions. Copies of these Rules can be accessed online at <http://www.deh.enr.state.nc.us/rules.htm>.

History Note: Authority G.S. 90-368(4); 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Amended Eff. August 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2801 ACTIVITY SERVICES

- (a) The facility shall provide a program of activities that is on-going and in accordance with the comprehensive assessment,

and that promotes the interests, as well as physical, mental and psychosocial well-being, of each patient.

(b) The administrator shall designate an activities director who shall be responsible for activity and recreational services for all patients and who shall have appropriate management authority. The director shall:

- (1) be a recreation therapist or be eligible for certification as a therapeutic recreation specialist by a recognized accrediting body; or
- (2) have two years of experience in a social or recreation program within the last five years, one of which was full-time in a patient activities program in a health care setting; or
- (3) be an occupational therapist or occupational therapy assistant; or
- (4) be certified by the National Certification Council for Activity Professionals; or
- (5) have completed an activities training course approved by the State.

History Note: Authority G.S. 131E-104; 143B-165(10); 42 C.F.R. 483.15(f); RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2802 SOCIAL SERVICES

(a) The facility shall provide medically-related social services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.

(b) The administrator shall designate an employee to be responsible full-time for social services.

(c) A facility with more than 120 nursing beds shall employ on a full time basis, a social worker who has:

- (1) a Bachelors' degree in social work or a Bachelors' degree in human services field, including but not limited to sociology special education, rehabilitation counseling and psychology; and
- (2) one year of supervised social work experience in a health care setting working directly with patients.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2901 REPORT OF DEATH

The facility shall have a written plan to be followed in case of patient death. The plan shall provide for the following:

- (1) collection of data needed for the death certificate as required by G.S. 130A-117;
- (2) recording time of death;

- (3) pronouncement of death in accordance with facility policy;
- (4) notification of the attending physician responsible for signing the death certificate;
- (5) documented notification of next of kin or legal guardian;
- (6) authorization and release of the body to a funeral home.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .2902 PETS

When facility policies permit pets in the facility, the following conditions shall be met:

- (1) The facility policy shall not be in violation of any local health ordinances regarding pet health and control.
- (2) Pets shall not be permitted to enter areas where food is being prepared.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3003 VENTILATOR ASSISTED CARE

(a) For the purpose of this Rule, ventilator assisted individuals, means as defined in the federal State Operations Manual, Appendix PP – Guidance to Surveyors for Long Term Care Facilities, herein incorporated by reference including subsequent amendments and editions. Copies of the State Operations Manual may be accessed free of charge online at https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcf.pdf.

(b) Facilities having patients who are ventilator assisted individuals shall:

- (1) administer respiratory care in accordance with 42 CFR Part 483.25(i), and the federal State Operations Manual F695;
- (2) administer respiratory care in accordance with the scope of practice for respiratory therapists defined in G.S. 90-648; and
- (3) provide pulmonary services from a physician who has training in pulmonary medicine. The physician shall be responsible for respiratory services and shall:
 - (A) establish with the respiratory therapist and nursing staff, ventilator policies and procedures, including emergency procedures;
 - (B) assess each ventilator assisted patient's status at least monthly with corresponding progress notes;
 - (C) respond to emergency communications 24 hours a day; and

(D) participate in individual care planning.

(c) Direct care nursing personnel staffing ratios established in Rule .2303 of this Subchapter shall not be applied to nursing services for patients who are ventilator assisted at life support settings. The minimum direct care nursing staff shall be 5.5 hours per patient day, allocated on a per shift basis as the facility chooses; however, in no event shall the direct care nursing staff fall below a registered nurse and a nurse aide I at any time during a 24-hour period.

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Amended Eff. January 1, 2021.

10A NCAC 13D .3004 BRAIN INJURY LONG-TERM CARE

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

10A NCAC 13D .3005 SPECIAL NURSING REQUIREMENTS FOR BRAIN INJURY LONG-TERM CARE

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

10A NCAC 13D .3031 ADDITIONAL REQUIREMENTS FOR SPINAL CORD INJURY PATIENTS

History Note: Authority G.S. 131E-104; RRC objection due to lack of statutory authority Eff. July 13, 1995; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

10A NCAC 13D .3101 GENERAL RULES

(a) Each facility shall be planned, constructed, equipped, and maintained to provide the services offered in the facility.

(b) A new facility or remodeling of an existing facility shall meet the requirements of the North Carolina State Building Codes which are incorporated by reference, including all subsequent amendments. Copies of these codes may be purchased from the International Code Council online at

<http://www.iccsafe.org/Store/Pages/default.aspx> at a cost of five hundred twenty-seven dollars (\$527.00) or accessed electronically free of charge at http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html. Existing licensed facilities shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction or remodeling.

(c) Any existing building converted from another use to a nursing facility shall meet all requirements of a new facility.

(d) The sanitation, water supply, sewage disposal, and dietary facilities shall comply with the rules of the North Carolina Division of Public Health, Environmental Health Services Section, which are incorporated by reference, including all subsequent amendments. The "Rules Governing the Sanitation of Hospitals, Nursing Homes, Adult Care Homes and Other Institutions", 15A NCAC 18A .1300 are available for inspection at the North Carolina Department of Health and Human Services, Division of Public Health, Environmental Health Services Section 5605 Six Forks Road, Raleigh, North Carolina 27509.

Copies may be obtained from the Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632 at no. cost, or can accessed electronically free of charge at <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title 15A - Environment and Natural Resources\Chapter 18 - Environmental Health>.

(e) The adult care home portion of a combination facility shall meet the rules for a nursing facility contained in Sections .3100, .3200, and .3400 of this Subchapter, except when separated by two-hour fire resistive construction. When separated by two-hour fire-resistive construction, the adult care home portion of the facility shall meet the rules for adult care homes in 10A NCAC 13F, Licensing of Adult Care Homes, which are incorporated by reference, including all subsequent amendments; and adult care home resident areas must be located in the adult care home section of the facility. Copies of 10A NCAC 13F can be obtained free of charge from the Division of Health Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699-2708, or accessed electronically free of charge at <http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2013%20-%20nc%20medical%20care%20commission/subchapter%20d/su bchapter%20d%20rules.html>.

(f) An addition to an existing facility shall meet the same requirements as a new facility.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3102 APPLICATION OF PHYSICAL PLANT REQUIREMENTS

The physical plant requirements for each facility shall be applied as follows:

- (1) New construction shall comply with the requirements of Sections .3100-.3400 of this Subchapter.

- (2) Except where otherwise specified, existing buildings shall meet licensure and code requirements in effect at the time of construction, alteration or modification.
- (3) New additions, alterations, modifications and repairs shall meet the technical requirements of Sections .3100-.3400 of this Subchapter; however, where strict conformance with current requirements would be impractical, the Division may approve alternative measures where the facility can demonstrate to the Division's satisfaction that the alternative measures do not reduce the safety or operating effectiveness of the facility.
- (4) Rules contained in Sections .3100-.3400 of this Subchapter are minimum requirements and are not intended to prohibit buildings, systems or operational conditions that exceed minimum requirements.
- (5) Equivalency: Alternate methods, procedures, design criteria and functional variations from the physical plant requirements, because of extraordinary circumstances, new programs or unusual conditions, may be approved by the Division when the facility can effectively demonstrate to the Division's satisfaction, that the intent of the physical plant requirements are met and that the variation does not reduce the safety or operational effectiveness of the facility.
- (6) Where rules, codes or standards have any conflict, the most stringent requirement shall apply.

History Note: Authority G.S. 131E-104; Eff. January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3103 SITE

The site of a proposed facility must be approved by the Department prior to construction as:

- (1) accessible by public roads;
- (2) accessible to fire fighting services;
- (3) having a water supply, sewage disposal system, garbage disposal system, and trash disposal system approved by the local health department having jurisdiction;
- (4) meeting all local ordinances and zoning laws; and
- (5) being free from exposure to hazards and pollutants.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3104 PLANS AND SPECIFICATIONS

- (a) When construction or remodeling of a facility is planned, one copy of construction documents and specifications shall be submitted by the owner or owner's appointed representative to the Department for review and approval. As a preliminary step to avoid last minute difficulty with construction documents approval, schematic design drawings and design development drawings may be submitted for approval prior to the required submission of construction documents.
- (b) Approval of construction documents and specifications shall be obtained from the Department prior to licensure. Approval of construction documents and specifications shall expire one year after the date of approval unless a building permit for the construction has been obtained prior to the expiration date of the approval of construction documents and specifications.
- (c) If an approval expires, renewed approval shall be issued by the Department, provided revised construction documents and specifications meeting the standards established in Sections .3100, .3200, and .3400 of this Subchapter are submitted by the owner or owner's appointed representative and reviewed by the Department.
- (d) Any changes made during construction shall require the approval of the Department in order to maintain compliance with the standards established in Sections .3100, .3200, and .3400 of this Subchapter.
- (e) Completed construction or remodeling shall conform to the standards established in Sections .3100, .3200, and .3400 of this Subchapter. Construction documents and building construction including the operation of all building systems shall be approved in writing by the Department prior to licensure or patient and resident occupancy.
- (f) The owner or owner's appointed representative shall notify the Department in writing either by U.S. Mail or e-mail when actual construction or remodeling is complete.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3201 REQUIRED SPACES

- (a) A facility shall meet the following requirements for bedrooms:
 - (1) single bedrooms shall be provided with not less than 100 square feet of floor area;
 - (2) bedrooms with more than one bed shall be provided with not less than 80 square feet of floor area per bed;
 - (3) bedrooms shall have windows with views to the outdoors. The gross window area shall not be less than eight percent of the bedroom floor area required by Subparagraphs (1) and (2) of this Paragraph;
 - (4) each bedroom shall be provided with one closet or wardrobe per bed. In nursing facilities and the nursing home portion of combination facilities, the closet or wardrobe shall have clothing storage space of not less than 36 cubic feet per bed with one-half of this space for

- hanging clothes. In the adult care home portion of a combination facility, the closet or wardrobe shall have clothing storage space of not less than 48 cubic feet per bed with one-half of this space for hanging clothes; and
- (5) floor space for closets, toilet rooms, vestibules, or wardrobes shall not be included in the areas required by this Subparagraph.
- (b) A facility shall meet the following requirements for dining, activity, and common use areas:
- (1) nursing facilities and the nursing home portion of combination facilities shall have:
- (A) a separate area or areas set aside for dining, measuring not less than 10 square feet per bed;
- (B) a separate area or areas set aside for activities, measuring not less than 10 square feet per bed; and
- (C) an additional dining, activity and common use area or areas, measuring not less than five square feet per bed. This area may be in a separate area or combined with the separate dining and activity areas required by Part (A) and (B) of this Subparagraph.
- (2) the adult care home portion of combination facilities shall have:
- (A) a separate area or areas set aside for dining, measuring not less than 14 square feet per bed; and
- (B) a separate area or areas set aside for activities, measuring not less than 16 square feet per bed.
- (3) the dining room area or areas required by this Paragraph may be combined.
- (4) the activity area or areas in nursing facilities and the nursing home portion of combination facilities shall not be combined with the activity area or areas in the adult care home portion of combination facilities.
- (5) floor space for physical, occupational, and rehabilitation therapy shall not be included in the areas required by this Paragraph. Closets and storage units for equipment and supplies shall not be included in the areas required by this Paragraph.
- (6) dining, activity, and common use areas shall be designed and equipped to provide accessibility to both patients and residents confined to wheelchairs and ambulatory patients or residents.
- (7) dining, activity, and common use areas required by this Paragraph shall have windows with views to the outdoors. The gross window area shall not be less than eight percent of the required floor area required by Subparagraphs (1) and (2) of this Paragraph.
- (8) for facilities designed with household units for 30 or fewer patients or residents, the dining and activity areas may be combined.
- (c) Outdoor areas for individual and group activities shall be provided and shall be accessible to patients and residents with physical disabilities. In the adult care portion of a combination facility, a nursing unit with a control mechanism and staff procedures as required by Rule .3404(f) of this Subchapter shall have direct access to an outdoor area.
- (d) Some means for patients and residents to lock personal articles within the facility shall be provided.
- (e) A facility shall meet the following requirements for toilet rooms, tubs, showers, and central bathing areas:
- (1) a toilet room shall contain a toilet and lavatory. If a lavatory is provided in each bedroom, the toilet room is not required to have a lavatory.
- (2) a toilet room shall be accessible from each bedroom without going through the general corridor.
- (3) one toilet room may serve two bedrooms, but not more than eight beds.
- (4) one tub or shower shall be provided for each 15 beds not individually served by a tub or shower.
- (5) for each 120 beds or fraction thereof, a central bathing area shall be provided with the following:
- (A) a bathtub or a manufactured walk-in bathtub or a similar manufactured bathtub designed for easy transfer of patients and residents into the tub. Bathtubs shall be accessible on three sides. Manufactured walk-in bathtubs or a similar manufactured bathtubs shall be accessible on two sides;
- (B) a roll-in shower designed and equipped for unobstructed ease of shower chair entry and use. If a bathroom with a roll-in shower designed and equipped for unobstructed ease of shower chair entry adjoins each bedroom in the facility, the central bathing area is not required to have a roll-in shower;
- (C) a toilet and lavatory; and
- (D) a cubicle curtain enclosing the toilet, tub, and shower. A closed cubicle curtain at one of these plumbing fixtures shall not restrict access to the other plumbing fixtures.
- (f) For each nursing unit, or fraction thereof on each floor, the following shall be provided:
- (1) a medication preparation area with:
- (A) a counter;
- (B) a double locked narcotic storage area under the visual control of nursing staff;
- (C) a medication refrigerator;
- (D) eye-level medication storage;
- (E) cabinet storage; and

- (F) a sink. The sink shall be trimmed with valves that can be operated without hands. If the sink is equipped with blade handles, the blade handles shall not be less than four and one half inches in length. The sink water spout shall be mounted so that its discharge point is a minimum of 10 inches above the bottom of the sink basin;
- (2) a clean utility room with:
 - (A) a counter;
 - (B) storage; and
 - (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the sink is equipped with blade handles, the blade handles shall not be less than four and one half inches in length. The sink water spout shall be mounted so that its discharge point is a minimum of 10 inches above the bottom of the sink basin;
- (3) a soiled utility room with:
 - (A) a counter;
 - (B) storage; and
 - (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the sink is equipped with blade handles, the blade handles shall not be less than four and one half inches in length. The sink water spout shall be mounted so that its discharge point is a minimum of 10 inches above the bottom of the sink basin. The soiled utility room shall be equipped for the cleaning and sanitizing of bedpans as required by 15A NCAC 18A .1312 Toilet: Handwashing: Laundry: And Bathing Facilities;
- (4) a nurses' toilet and locker space for personal belongings;
- (5) a soiled linen storage room. If the soiled linen storage room is combined with the soiled utility room, a separate soiled linen storage room is not required;
- (6) clean linen storage provided in one or more of the following:
 - (A) a separate linen storage room;
 - (B) cabinets in the clean utility room; or
 - (C) a linen closet;
- (7) a nourishment station in an area enclosed with walls and doors with:
 - (A) work space;
 - (B) cabinets;
 - (C) refrigerated storage; and
 - (D) a small stove, microwave, or hot plate;
- (8) an audio-visual nurse-patient call system arranged to ensure that a patient's or resident's call in the facility notifies and directs staff to the location where the call was activated;
- (9) a control point located no more than 150 feet from the furthest patient or resident bedroom door with:
 - (A) an area for charting patient and resident records;
 - (B) space for storage of emergency equipment and supplies; and
 - (C) nurse patient call and alarm annunciation systems; and
- (10) a janitor's closet.
- (g) If a facility is designed with patient or resident household units, a patient and resident dietary area located within the patient or resident household unit may substitute for the nourishment station. The patient or resident dietary area shall be for the use of staff, patients, residents, and families. The patient or resident dietary area shall contain:
 - (1) cooking equipment;
 - (2) a kitchen sink;
 - (3) refrigerated storage; and
 - (4) storage areas.
- (h) Clean linen storage shall be provided in a separate room from bulk supplies.
- (i) The kitchen area and laundry area each shall have a janitor's closet. Administration, occupational and physical therapy, recreation, personal care, and employee areas shall be provided janitor's closets and may share one as a group.
- (j) Stretcher and wheelchair storage shall be provided.
- (k) The facility shall provide patient and resident storage at the rate of not less than five square feet of floor area per licensed bed. This storage space shall:
 - (1) be used by patients and residents to store out-of-season clothing and suitcases;
 - (2) be either in the facility or within 500 feet of the facility on the same site; and
 - (3) be in addition to the other storage space required by this Rule.
- (l) Office space shall be provided for business transactions. Office space shall be provided for persons holding the following positions:
 - (1) administrator;
 - (2) director of nursing;
 - (3) social services director;
 - (4) activities director; and
 - (5) physical therapist.
- (m) Each combination facility shall provide a minimum of one residential washer and residential dryer in a location accessible by adult care home staff, residents, and residents' families.

History Note: Authority G.S. 131E-104; 42 CFR 483.70; Eff. January 1, 1996; Amended Eff. August 1, 2014; October 1, 2008; Readopted Eff. July 1, 2016; Amended Eff. October 1, 2016.

10A NCAC 13D .3202 FURNISHINGS

- (a) A facility shall provide handgrips at all toilet and bath facilities used by residents. Handrails shall be provided on both sides of all corridors where corridors are defined by walls and used by residents.

(b) A facility shall provide flame resistant privacy screens or curtains in multi-bedded rooms.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3401 HEATING AND AIR CONDITIONING

(a) A facility shall provide heating and cooling systems complying with the following:

- (1) The American National Standards Institute and American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 170: Ventilation of Health Care Facilities, which is incorporated by reference, including all subsequent amendments and editions, and may be purchased for a cost of fifty-four dollars (\$54.00) online at http://www.techstreet.com/ashrae/lists/ashrae_standards.tmp. This incorporation does not apply to Section 7.1, Table 7-1 Design Temperature for Skilled Nursing Facility. The environmental temperature control systems shall be capable of maintaining temperatures in the facility at 71 degrees F. minimum in the heating season and a maximum of 81 degrees F. during the non-heating season; and
- (2) The National Fire Protection Association 90A: Standard for the Installation of Air-Conditioning and Ventilating Systems, which is incorporated by reference, including all subsequent amendments and editions, and may be purchased at a cost of thirty-nine dollars (\$39.00) from the National Fire Protection Association online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=90A>.

(b) In a facility, the windows in dining, activity and living spaces, and bedrooms shall be openable from the inside. To inhibit patient and resident elopement from any window, the facility may restrict the window opening to a six-inch opening.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3402 EMERGENCY ELECTRICAL SERVICE

A facility shall provide an emergency electrical service for use in the event of failure of the normal electrical service. This emergency electrical service shall consist of the following:

- (1) In any existing facility:
 - (a) type 1 or 2 emergency lights as required by the North Carolina State Building Codes: Electrical Code;
 - (b) additional emergency lights for all control points required by Rule .3201(l)(9) of this Subchapter, medication preparation areas required by Rule .3201(l)(1) of this Subchapter and storage areas, and for the telephone switchboard, if applicable;
 - (c) one or more portable battery-powered lamps at each control point required by Rule .3201(l)(9) of this Subchapter; and
 - (d) a source of emergency power for life-sustaining equipment, if the facility admits or cares for occupants needing such equipment, to ensure continuous operation with on-site fuel storage for a minimum of 72 hours.
- (2) An emergency power generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the essential electrical system. For the purposes of this Rule, the "essential electrical system" means a system comprised of alternate sources of power and all connected distribution systems and ancillary equipment, designed to ensure continuity of electrical power to designated areas and functions of a facility during disruption of normal power sources, and also to minimize disruption within the internal wiring system as defined by the North Carolina State Building Codes: Electrical Code.
- (3) Emergency electrical services shall be provided as required by Rule .3101(b) of this Subchapter with the following modification: Section 517.10(B)(2) of the North Carolina State Building Codes: Electrical Code shall not apply to new facilities.
- (4) The following equipment, devices, and systems which are essential to life safety and the protection of important equipment or vital materials shall be connected to the critical branch of the essential electrical system as follows:
 - (a) nurses' calling system;
 - (b) fire pump, if installed;
 - (c) one elevator, where elevators are used for the transportation of patients;
 - (d) equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization, if installed;
 - (e) equipment necessary for maintaining telephone service; and

- (f) task illumination of boiler rooms, if applicable.
- (5) A dedicated critical branch circuit per bed for ventilator-dependent patients is required. This critical branch circuit shall be provided with two duplex receptacles identified for emergency use. When staff determines that the electrical life support needs of the patient exceed the requirements stated in this Item, additional critical branch circuits and receptacles shall be provided. For the purposes of this Rule, a "critical branch circuit" is a circuit of the critical branch subsystem of the essential electrical system which supplies energy to task lighting, selected receptacles and special power circuits serving patient care areas as defined by the North Carolina State Building Codes: Electrical Code. This Item applies to both new and existing facilities.
- (6) Heating equipment provided for ventilator dependent patient bedrooms shall be connected to the critical branch of the essential electrical system and arranged for delayed automatic or manual connection to the emergency power source if the heating equipment depends upon electricity for proper operation. This Item applies to both new and existing facilities.
- (7) Task lighting connected to the automatically transferred critical branch of the essential electrical system shall be provided for each ventilator dependent patient bedroom. For the purposes of this Item, task lighting is defined as lighting needed to carry out necessary tasks for the care of a ventilator dependent patient. This Item applies to both new and existing facilities.
- (8) Where electricity is the only source of power normally used for the heating of space, an essential electrical system shall provide for heating of patient rooms. Emergency heating of patient rooms shall not be required in areas where the facility is supplied by at least two separate generating sources or a network distribution system with the facility feeders so routed, connected, and protected that a fault any place between the generating sources and the facility will not cause an interruption of more than one of the facility service feeders.
- (9) An essential electrical system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within 10 seconds through one or more primary automatic transfer switches to all emergency lighting, alarms, nurses' call, and equipment necessary for maintaining telephone service. All other lighting and equipment required to be connected to the essential electrical system shall either be connected through the 10 second primary automatic transfer switching or shall be

- connected through delayed automatic or manual transfer switching. If manual transfer switching is provided, staff of the facility shall operate the manual transfer switch.
- (10) Sufficient fuel shall be stored for the operation of the emergency power generator for a period not less than 72 hours, on a 24-hour per day operational basis with on-site fuel storage. The generator system shall be tested and maintained per National Fire Protection Association Health Care Facilities Code, NFPA 99, which is incorporated by reference, including all subsequent amendments and editions. Copies of this code may be obtained from the National Fire Protection Association - online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=99>. The facility shall maintain records of the generator system tests and shall make these records available to the Department for inspection upon request.
- (11) The electrical emergency service at existing facilities shall comply with the requirements established in Sections .3100, and .3400 of this Subchapter in effect at the time a license is first issued. Any remodeling of an existing facility that results in changes to the emergency electrical service shall comply with the requirements established in Sections .3100, and .3400 of this Subchapter in effect at the time of remodeling.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3403 GENERAL ELECTRICAL

- (a) In a facility, all main water supply shut off valves in the sprinkler system shall be electronically supervised so that if any valve is closed an alarm will sound at a central station manned 24 hours per day, seven days per week.
- (b) No two adjacent emergency lighting fixtures shall be on the same circuit.
- (c) Receptacles in bathrooms shall have ground fault protection.
- (d) Each patient bed location shall be provided with a minimum of four single or two duplex receptacles. Two single receptacles or one duplex receptacle shall be connected to the critical branch of the emergency power system at each bed location. Each patient bed location shall also be provided with a minimum of two single receptacles or one duplex receptacle connected to the normal electrical system.
- (e) Each patient bed location shall be supplied by at least two branch circuits.
- (f) The fire alarm system shall be installed to transmit an alarm automatically to the fire department that is legally committed to serve the area in which the facility is located. The alarm shall be

transmitted either to a fire department or to a third-party service that shall transmit the alarm to the fire department. The method used to transmit the alarm shall be approved by local ordinances.
 (g) In patient areas, fire alarms shall be gongs or chimes rather than horns or bells.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

10A NCAC 13D .3404 OTHER

(a) In general patient areas of a facility, each room shall be served by at least one calling station and each bed shall be provided with a call button. Two call buttons serving adjacent beds may be served by one calling station. Calls shall register with the floor staff and shall activate a visible signal in the corridor at the patient's or resident's door. On multi-corridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, indicating lights shall be provided at each station. Nurses' calling systems that provide two-way voice communication shall be equipped with an indicating light at each calling station that lights and remains lighted as long as the voice circuit is operating. A nurses' call emergency button shall be provided for patients' and residents' use at each patient and resident toilet, bath, and shower.

(b) A facility shall provide:
 (1) at least one telephone located to be accessible by patients, residents, and families for making local phone calls; and
 (2) cordless telephones or telephone jacks in patient and resident rooms to allow access to a telephone by patients and residents when needed.

(c) Outdoor lighting shall be provided to illuminate walkways and drives.

(d) A flow of hot water shall be within safety ranges specified as follows:

- (1) Patient Areas - 6 1/2 gallons per hour per bed and at a temperature of 100 to 116 degrees F;
- (2) Dietary Services - 4 gallons per hour per bed and at a minimum temperature of 140 degrees F; and
- (3) Laundry Area - 4 1/2 gallons per hour per bed and at a minimum temperature of 140 degrees F.

(e) If provided in a facility, medical gas and vacuum systems shall be installed, tested, and maintained in accordance with the National Fire Protection Association Health Care Facilities Code, NFPA 99, which is incorporated by reference, including all subsequent amendments and editions. Copies of this code may be purchased for a cost of sixty-one dollars (\$61.50) from the National Fire Protection Association online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=99>.

(f) Each facility shall have a control mechanism and staff procedures for monitoring and managing patients who wander or are disoriented. The control mechanism shall include egress alarms and any of the following:

- (1) an electronic locking system;
- (2) manual locks; and
- (3) staff supervision.

This requirement applies to new and existing facilities.

(g) Sections of the National Fire Protection Association Life Safety Code, NFPA 101, 2012 edition listed in this Paragraph are adopted by reference.

- (1) 18.2.3.4 with requirements for projections into the means of egress corridor width of wheeled equipment and fixed furniture;
- (2) 18.3.2.5 with requirements for the installation of cook tops, ovens and ranges in rooms and areas open to the corridors;
- (3) 18.5.2.3(2), (3) and (4) with requirements for the installation of direct-vent gas and solid fuel-burning fireplaces in smoke compartments; and
- (4) 18.7.5.6 with requirements for the installation of combustible decorations on walls, doors and ceilings.

Smoke compartments where the requirements of these Sections are applied must be protected throughout by an approved automatic sprinkler system. For the purposes of this Rule, "smoke compartments" are spaces within a building enclosed by smoke barriers on all sides, including the top and bottom as indicated in NFPA 101, 2012 edition. Where these Sections are less stringent than requirements of the North Carolina State Building Codes, the requirements of the North Carolina State Building Codes shall apply. Where these Sections are more stringent than the North Carolina State Building Codes, the requirements of these Sections shall apply. Copies of this code may be purchased for a cost of ninety-three dollars (\$93.00) from the National Fire Protection Association online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=101>.

(h) Ovens, ranges, cook tops, and hot plates located in rooms or areas accessible by patients or residents shall not be used by patients or residents except under facility staff supervision. The degree of staff supervision shall be based on the facility's assessment of the capabilities of each patient and resident.

History Note: Authority G.S. 131E-102; 131E-104; Eff. January 1, 1996; Amended Eff. July 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 10B .0101 LOCATION

The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

North Carolina Sheriffs' Education and Training Standards Commission
P.O. Box 629
Raleigh, North Carolina 27602
Telephone (919) 779-8213

History Note: Authority G.S. 17E-5; 17E-6; Eff. January 1, 1989; Amended Eff. January 1, 2013; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. May 1, 2026.

12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION

History Note: Authority G.S. 17E-6; Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Repealed Eff. May 1, 2026.

12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES

History Note: Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40; Eff. January 1, 1989; Amended Eff. January 1, 1996; January 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Repealed Eff. May 1, 2026.

12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR RULEMAKING

In addition to the procedures set out in G.S. 150B-20, Petitions for Rulemaking shall be submitted to the Commission and shall contain:

- (1) petitioner's name, address, and telephone number;
- (2) a draft of the proposed rule or rule change;
- (3) the reason for its proposal;
- (4) the effect of the proposal on existing rules or decisions;
- (5) data supporting the proposal;
- (6) practices likely to be affected by the proposal; and
- (7) a list or description of persons likely to be affected by the proposed rule.

History Note: Authority G.S. 150B-20; 17E-4; Eff. January 1, 1990; Amended Eff. January 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. May 1, 2026.

12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS

(a) In addition to the procedures set out in G.S. 150B-4, petitions for declaratory rulings shall be submitted to the Commission and shall contain:

- (1) petitioner's name, address, and telephone number;
- (2) the statutes, rules, or both to which the request relates;
- (3) facts and information which are relevant to the request;
- (4) a concise statement of the manner in which petitioner has been aggrieved;
- (5) a draft of the declaratory ruling sought by petitioner, if a specified outcome is sought by petitioner;
- (6) practices likely to be affected by the declaratory ruling;
- (7) a list or description of persons likely to be affected by the declaratory ruling; and
- (8) a statement as to whether the petitioner desires to present oral argument, to the Commission prior to its decision.

(b) The Commission shall refuse to issue a declaratory ruling when:

- (1) the petition does not comply with Paragraph (a) of this Rule;
- (2) the Commission has previously issued a declaratory ruling on substantially similar facts;
- (3) the Commission has previously issued a final agency decision in a contested case on substantially similar facts;
- (4) the facts underlying the request for a declaratory ruling were specifically considered at the time of the adoption of the rule in question; or
- (5) the subject matter of the request is involved in pending litigation.

History Note: Authority G.S. 150B-4; Eff. January 1, 1990; Amended Eff. August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. May 1, 2026.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED

For purposes of Article 13 of Chapter 18B of the General Statutes, the Beer Franchise Law, a distribution agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand name. Different categories of products manufactured and marketed under a common identifying trade name are considered to be the same brand. The Commission shall determine the brand at the time the product is approved for sale in North Carolina. Later changes to advertising strategy or

labeling shall not affect the Commission's brand determination. Different packaging, style, font, or container does not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

Note: As an illustration, the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry," and other products identified principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also manufactured by Yellowstone Brewery Co.

History Note: Authority G.S. 18B-100; 18B-207; 18B-1303(a); Eff. November 1, 1994; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0103 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0701 DEFINITIONS

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

- (1) "Equipment" shall include draft beer boxes, wine dispensing machines, refrigeration devices, sinks, dishwashers, dispensing trucks, trailers, caddies, and other items used for the preparation, serving, dispensing, or cleaning of food, beverages, or food and beverage containers.
- (2) "Point-of-Sale advertising" shall mean advertising material including signs, posters, banners, and decorations:
 - (a) containing alcoholic beverage product advertising matter;
 - (b) having no secondary value to the retailer; and
 - (c) designed and intended to be used inside a retailer's licensed premises where alcoholic beverages are displayed and sold.
- (3) "Promotion" shall include advertising, publicity, or sponsorship activity in connection with a special event, function, or holiday outside the scope of routine sales and marketing, including fundraisers, concerts, sporting events, festivals, celebrations, anniversaries, ceremonies, operations, observances, sweepstakes, or contests.

History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0702 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. May 1, 2026.

14B NCAC 15C .0702 MALT BEVERAGES: ALLOWANCES FOR DAMAGE

Malt beverage industry members shall not provide a credit or allowance to a retailer for flat beer or chipped or broken bottles, except when the retailer returns the tops of the bottles with glass attached to the industry member. Industry members shall not provide a refund on canned malt beverages opened by a can opener or pull tab. Industry members may give refunds on canned malt beverages if damaged during shipment to the wholesaler or retailer.

History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0703 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0703 REMOVAL OR DISTURBANCE OF OTHER BRANDS PROHIBITED

Wholesalers shall not remove from a retailer's premises bottles, cartons, or kegs bearing brand identification unless the wholesaler is authorized to distribute the brand. Wholesalers shall not remove, rearrange, or otherwise disturb malt beverages or wine displayed by another wholesaler on a retail licensed premises except:

- (1) to return merchandise to its assigned shelf space when placed in the wholesaler's assigned space;
- (2) to remove a competitor's product from a promotional display area assigned to the wholesaler if the competitor's personnel are unavailable when the wholesaler's product is scheduled to go on promotion; or
- (3) with the consent of the affected wholesaler.

History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0704 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0704 QUANTITY DISCOUNTS PROHIBITED

A wholesaler or wholesaler's salesman shall not give a retailer a quantity discount on the price of malt beverages or wine. A quantity discount includes charging a fee for an order of less than a full case when the same fee is not charged for full case orders. Retailers shall not require a wholesaler to provide quantity discounts.

History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982;

*Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0705 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. May 1, 2026.*

14B NCAC 15C .0705 EXCLUSIVE OUTLETS

An industry member shall not require, by agreement or otherwise, or by any means, that a retailer purchase alcoholic beverages from the industry member pursuant to the following practices:

- (1) contractual purchase agreements;
- (2) threat of loss of supply;
- (3) purchases made as a prerequisite for the purchase of short supply items; or
- (4) coercion by the industry member, including threats of physical or economic harm.

*History Note: Authority G.S. 18B-100; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0706 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. May 1, 2026.*

14B NCAC 15C .0706 INDUCEMENTS (TIED HOUSE)

Industry members shall not:

- (1) acquire or hold an interest in a license or permit or the premises of a retail permittee;
- (2) acquire an interest in real or personal property owned, occupied, or used by a retail permittee for the retailer's business;
- (3) furnish, give, rent, lend, or sell to a retail permittee equipment, fixtures, signs, supplies, money, services, or things of value except as provided in these Rules;
- (4) pay or credit a retail permittee for advertising, display, or distribution service;
- (5) guarantee a loan or the repayment of a financial obligation of a retail permittee;
- (6) extend credit to a retail permittee, except as provided in these Rules;
- (7) require a retail permittee to take and dispose of a certain quota of alcoholic beverages;
- (8) acquire an interest in a mortgage or deed of trust on the retailer's business or property;
- (9) pay a third party for the display of advertising on signs or scorecards manufactured by a third party for a retailer;
- (10) furnish free warehousing by delaying delivery of alcoholic beverage product or by providing refrigerated vehicles for a retailer; or
- (11) purchase advertising on signs, scoreboards, and programs at ballparks, racetracks, and coliseums from the retail concessionaire, unless the retailer is a city or county, and an exemption has been granted pursuant to G.S. 18B-1116(b).

*History Note: Authority G.S. 18B-100; 18B-207;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0707 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. May 1, 2026.*

14B NCAC 15C .0707 COMMERCIAL BRIBERY

(a) Industry members shall not give gifts or payments to purchasing agents, clerks, bartenders, salesmen, or other employees of retail permittees.

(b) Industry members shall not give a bonus, premium, or compensation to a retailer or an officer, employee, or agent of the retailer. Prohibited acts include:

- (1) monetary inducements ("push money") to retailers or their employees;
- (2) payment of any part of a retailer's employee's salary;
- (3) sales promotion contests where a retailer's employees are offered or awarded prizes financed by an industry member;
- (4) payments or gratuities to groups or associations of retailer's employees;
- (5) gifts to retail corporate officers; or
- (6) participation in a retailer's sales or management meeting, convention, or outing by sponsoring or underwriting events at the meeting, convention, or outing, unless participation is limited to providing a hospitality suite with hors d'oeuvres and beverages, and the price paid for the suite is not greater than that paid by any other participant in the meeting, convention, or outing.

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, an industry member may invite and pay for up to two employees or representatives of a retail permittee permitted pursuant to G.S. 18B-1001, for a business meal to discuss sales and promotions in person with the following conditions:

- (1) the industry member shall conduct the business meal in North Carolina but not in conjunction with entertainment;
- (2) if the industry member provides transportation, the industry member shall use only a personal vehicle;
- (3) the industry member must accompany the employees or representatives of a retail permittee for the duration of the business meal;
- (4) the industry member shall provide the business meal without a corresponding obligation of the retailer to purchase alcoholic beverages or to provide a benefit to the industry member;
- (5) the industry member shall provide the business meal without a corresponding obligation of the retailer to exclude from sale the products of another industry member; and

- (6) the industry member shall pay for no more than two business meals per retail permittee per calendar year.

This Paragraph does not apply to an industry member with a pre-existing relationship with a retail permittee separate from the beverage alcohol industry.

History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0708 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0709 PROHIBITED TRADE PRACTICES

(a) General. An alcoholic beverage industry member for malt beverages, wine, or spirituous liquor, licensed in this state or not, or any officer, director, employee, or affiliate, shall not lend, give, furnish, or offer, either directly or through a third party, to a retail permittee, a retailer's employee, or to the owner of the premises where the business of a retailer is conducted, or for a retail permittee, employee, or owner to demand, require, or accept from an industry member, money, services, furniture, fixture, equipment, sign, glasses, barware, supplies, or thing of value, except as provided in this Rule.

(b) Prohibited Services. The following services shall not be furnished, given, provided, or made available to a retail permittee by an industry member, even if the retailer is charged or billed for the services for their market value:

- (1) installing, repairing, or maintaining equipment, outdoor signs, or other fixtures;
- (2) promoting a retailer in advertising;
- (3) reconciling inventory for a retailer;
- (4) providing labor or employees to assist a retailer in the retailer's promotional events unless otherwise allowed in the rules of the Commission;
- (5) loaning or renting aerial displays or outdoor inflatables to a retailer for use, whether on or off the retailer's licensed premises;
- (6) pricing or repricing a product without the retailer's consent;
- (7) warehousing, by:
 - (A) making refrigerated vehicles available to the retailer; or
 - (B) delaying delivery from a manufacturer, importer, nonresident vendor, or warehouse for the retailer's advantage;
- (8) affixing special retailer stamps or stickers to beer or wine packaging. A wholesaler may affix signs, stickers, stamps, or tags indicating the product's price to a container, shelf, or display of the wholesaler's products;
- (9) entering delivery data on a retailer's in-store computer;

- (10) providing data processing services;
- (11) sponsoring sports leagues also sponsored by a retailer or that use the facilities of a retailer for sporting events;
- (12) guaranteeing the loan of a retailer;
- (13) extending credit to a retailer;
- (14) failing to require a deposit equal to that charged by the supplier on kegs and returnable bottles; or
- (15) negotiating special prices for or financing of equipment.

(c) Prohibited Things of Value. The following things of value shall not be furnished, given, loaned, rented, or sold to a retail permittee by an industry member:

- (1) aerial displays or tethered inflatables;
- (2) parties for retailers or groups of retailers' employees, unless otherwise allowed by the rules of the Commission;
- (3) prizes at retailer conventions;
- (4) advertising in a retailer periodical or advertising in a retailer publication designed for distribution to consumers;
- (5) outside signs;
- (6) cooperative advertising, including:
 - (A) providing or assisting retailer promotions, whether on or off the retailer's premises;
 - (B) participation with a retailer in the advertising of alcoholic beverages, the retailer's business, or special events unless specifically approved by the Commission in the case of fundraisers for non-profit charitable organizations after consideration of the factors listed in G.S. 18B-1116(b);
 - (C) underwriting the cost of T-markers, scorecards, or scoreboards by the purchase of advertising from a third party; or
 - (D) customizing point-of-sale advertising materials, novelties, glassware, consumer specialties, or product displays by printing or having printed the retailer's name, slogan or logo on the item, unless otherwise specifically allowed in the rules of the Commission;
- (7) making discounts, rebates, or refunds to a retailer on the condition the retailer use the discount, rebate, or refund to pay off a loan;
- (8) equipment, fixtures, or furnishings; or
- (9) clothing, except as provided in 14B NCAC 15C .0711.

History Note: Authority G.S. 18B-100; 18B-207; Eff. July 1, 1992; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0711 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES

Malt beverage, wine, and spirituous liquor industry members are authorized to provide the following services to retailers:

- (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers. (a) Malt beverage and wine wholesalers assigned space in retail permittee outlets may price or re-price their stock as requested by the retail permittee. (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their assigned shelf space to rotate their stock and to keep their assigned space clean and neat. (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic beverage shelf space, display area, or department pursuant to that retail permittee's plan and direction. Industry members shall not move or disturb brands sold by other industry members except as authorized in 14B NCAC 15C .0703. (2) Shelf Management Plans; Notice Prior to Reset. (a) An industry member may discuss with a retailer shelf-management concepts and programs and may provide, publish, and make available data on market sales and analysis. (b) An industry member may provide and suggest shelf-management plans which are customized for a specific retail permittee or group of retail permittees. The retail permittee shall remain solely responsible for implementing a suggested shelf-management plan. If an industry member provides a suggested shelf-management plan to a retail permittee or group of retail permittees, it must provide a suggested plan to other retail permittees upon request. Shelf-management plans shall meet the following conditions: (i) no retail permittee or person acting on the retail permittee's behalf shall implement a shelf-management plan unless the retail permittee sends notice of the plan to all wholesalers servicing the location who

- have requested notification from the retail permittee; (ii) the retail permittee shall provide the notice to wholesalers required under this SubItem at least two weeks prior to implementation of the plan and the notice shall include the date and time of the contemplated plan implementation. If it is not feasible for the retail permittee to provide notice before the two-week period, the retail permittee shall provide such notice no less than 48 hours prior to implementation of the plan. (iii) the retail permittee shall include the proposal in a notice if an industry member assists in the creation of a proposed plan; and (iv) if a retail permittee develops a shelf-management plan without assistance from an industry member or makes adjustments to less than 15 percent of the current shelf-management plan, the retail permittee is not required to send notice to wholesalers required under this SubItem. (c) A wholesaler may provide physical labor to implement a shelf-management plan. (d) For purposes of this Rule, a shelf-management plan includes shelf resets. (e) For purposes of this Rule, a retail permittee or an industry member shall provide notice by verifiable electronic mail, certified mail, or other delivery service requiring written verification of delivery, and shall include a contact person's information for return correspondence. (3) Participation in Retailer Association Activities. An industry member may participate in retailer association activities by: (a) displaying product at association conventions or trade shows; (b) renting display or booth space only if the rental fee is the same fee paid by all exhibitors; (c) providing hospitality events which are independent from association sponsored activities;

- (d) purchasing tickets to functions and paying registration fees only if the same fees are paid by all exhibitors; and
- (e) making payments for advertisements in programs or brochures at association shows within the dollar limits established by Subpart D of 27 CFR Part 6, incorporated herein by reference and available for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>. Subsequent amendments and editions are incorporated by reference.

- (4) Educational Seminars. An industry member may provide or sponsor seminars for retailers and their employees in the following areas:
 - (a) the proper use of equipment;
 - (b) the proper storage, handling, and service of alcoholic beverages;
 - (c) safe driving programs;
 - (d) recognizing underage and intoxicated customers; and
 - (e) the history or aspects of a product's manufacturing process.

Seminars may be conducted at the premises of either the retailer or industry member. An industry member shall not pay the retailer's expenses in attending the seminar.

- (5) Tastings. Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.
- (6) Labor for Displays. An industry member may provide personnel to construct a promotional product display on the premises of a retailer, and may move other products from the display area per 14B NCAC 15C .0703.
- (7) Installations. The following items may be installed by an industry member at no charge to a retailer:
 - (a) point of sale advertising materials; and
 - (b) tapping accessories.
- (8) Bar Spending. An industry member may visit the premises of an on-premise retail account for the purpose of promoting its brands so long as:
 - (a) the visit is unannounced and not advertised; and
 - (b) a patron who refuses the industry member's offer to consume a product is offered a comparable price-point beverage of the patron's choice, either alcoholic or non-alcoholic.
- (9) Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage merchandise are not used as

an unlawful inducement to purchase malt beverages.

Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 CFR 6.101.

History Note: Authority G.S. 18B-100; 18B-203(b); 18B-207; Eff. July 1, 1992; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0712 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0711 ACCEPTED TRADE PRACTICES; THINGS OF VALUE; RETAIL PERMITTEES

(a) Items That Must Be Sold. Malt beverage, wine, and spirituous liquor industry members shall not give, lend, or rent to a retail permittee, but may sell to the retail permittee at the price paid by the first industry member who acquires the following things of value:

- (1) novelties, coolers, umbrellas, ice chests, beach towels, towels, and sports equipment, if the item has not been customized for a retail permittee with the retail permittee's name or logo;
- (2) glassware and cups, if the item has not been customized for a retail permittee with the retail permittee's name or logo;
- (3) carbon dioxide;
- (4) ice;
- (5) beer tapping accessories, faucets, rods, vents, taps, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves; and
- (6) menus that exceed the number of food items allowed by 14B NCAC 15B .1006(a)(3).

(b) Items That May Be Provided at No Charge. Industry members may give, provide, loan, rent, or sell the following things of value to a retail permittee:

- (1) samples of malt beverage, wine, and spirituous liquor products in the following quantities:
 - (A) no more than three gallons of any brand of malt beverages;
 - (B) no more than three liters of any brand of wine; and
 - (C) no more than 50 milliliters of any brand of spirituous liquor.

Industry members may only give samples to a retail permittee who has not previously purchased those brands from the industry member within the previous calendar year.

- (2) recipes, booklets, and brochures for cooking with malt beverages, wine, or spirituous liquors pursuant to 14B NCAC 15B .1006(a)(3);
- (3) malt beverage, wine, and mixed beverage lists pursuant to 14B NCAC 15B .1006(a)(3);
- (4) combination packaging pursuant to 27 CFR 6.93;

- (5) consumer specialty items such as bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), or key chains. Such items may be given to retail permittees for distribution to consumers, or may be provided by industry member personnel directly to consumers at the retail permittee's place of business during visits that are not announced or advertised to consumers. Consumer specialty items shall not be customized for a retail permittee with the retail permittee's name or logo; and
- (6) product displays, to include wine racks, bins, barrels, casks and shelving from which malt beverage, wine or spirituous liquor are displayed and sold, so long as:
 - (A) each display bears advertising matter; and
 - (B) the dollar limitations per brand do not exceed those established in G.S. 18B-105.
- (7) point of sale advertising materials which have value only as advertising, so long as the pieces have not been customized for any individual retail permittee.
- (8) retail permittee advertising specialty items as described in 14B NCAC 15B .1006(a)(4), so long as the items have not been customized for an individual retail permittee, and so long as the dollar limitations per brand do not exceed those established in G.S. 18B-105.

(c) Point-Of-Sale Advertising Materials. Notwithstanding having a secondary value, the following items are considered to be point-of-sale materials and an industry member is not required to submit to legal@abc.nc.gov for approval prior to use, so long as the items bear advertising matter:

- (1) clocks;
- (2) lamps;
- (3) lighted displays;
- (4) blackboards;
- (5) bulletin boards;
- (6) dart board backgrounds;
- (7) menu and price boards;
- (8) tap standards;
- (9) calendars;
- (10) mirrors; and
- (11) prizes offered in a consumer sweepstakes or contest pursuant to 14B NCAC 15C .0714(b). Industry members shall place a sticker on prizes to show the prize is the property of the industry member. The industry member shall pick up the prize at the conclusion of the sweepstakes or contest.

(d) The provisions of 27 CFR 6.93 referenced in this Rule are incorporated by reference including subsequent amendments and editions that may be accessed for free at <https://www.ecfr.gov/current/title-27/section-6.93>.

(e) Nothing in this Rule applies to ABC boards.

History Note: Authority G.S. 18B-100; 18B-105; 18B-207; Eff. July 1, 1992; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0713 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0712 TRANSACTIONS WITH GOVERNMENT AND SPECIAL ONE-TIME PERMITTEES

(a) Permitted Activities. Notwithstanding the restrictions contained in 14B NCAC 15C .0709, malt beverage, wine, and spirituous liquor industry members are authorized to conduct the following activities in transactions with cities, counties, the State, in transactions with nonprofit or political organizations that have obtained a Special One-Time permit under the provisions of G.S. 18B-1002(a)(2) or (5), or in transactions with nonprofit organizations that do not hold an ABC permit:

- (1) sponsorships of festivals, concerts, fundraisers, or special events cosponsored by the local government, the State, or nonprofit or political organizations, including payments of advertising fees;
- (2) loaning or renting portable equipment to a local government, the State, or a nonprofit or political organization so long as the equipment loaned or rented is for a single event of limited duration;
- (3) contracts to provide payment for permanent advertising on signs or scoreboards when the industry member has submitted a request to legal@abc.nc.gov and received approval;
- (4) providing labor or employees to assist in the setting up or changing of draft beer kegs and equipment which has been loaned or rented pursuant to Subparagraph (a)(2) of this Rule;
- (5) loaning or renting aerial displays or outdoor inflatables, approved prior to the event by submission to legal@abc.nc.gov, for the duration of a special event;
- (6) loaning or allowing the use of refrigerated vehicles;
- (7) providing novelties, prizes, or prize money to nonprofit organizations that have obtained a Special One-Time Permit;
- (8) providing cash contributions, product donations, and other consumer goods, on the condition that donated product remaining after the event is not provided by the Special One-Time Permittee to a retail permittee;
- (9) participation with a local government or the State in the advertising of events cosponsored by the local government or State; and
- (10) after the event is over, accepting, for cash or credit, the return of alcoholic beverages not sold.

(b) Sponsorship/Advertising Agreements Restricted. Industry members shall not enter a sponsorship agreement or advertising contract with a city, county, the State, or a Special One-Time permittee where, either express or implied, the industry member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors.

(c) Cosponsorship with Retail Permittee. An industry member shall not promote or sponsor an event with a local government, the State, or a nonprofit organization where a retailer other than the local government or the State has a cosponsorship unless the industry member obtains prior written approval from the Commission at legal@abc.nc.gov and as provided in 14B NCAC 15C .0715.

History Note: Authority G.S. 18B-100; 18B-207; Eff. July 1, 1992; Amended Eff. November 1, 2012; April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0714 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0713 TOURNAMENTS

(a) General. An industry member may sponsor a regional, statewide, or national sports tournament on the property or premises of a retail permittee only if all of the following conditions are met:

- (1) The tournament is promoted or sanctioned by the official governing body of the sport, or is promoted and sponsored by a nonprofit organization for the purpose of raising funds for a civic, scientific, charitable, or educational cause;
- (2) An industry member does not give, rent, or loan money, novelty items, prohibited services, or things of value to the retailer; and
- (3) An industry member gives all sponsorship money, fees, and things of value to the official governing body of the sport or the nonprofit organization.

(b) Advertising. An industry member may advertise or pay for the advertising of a tournament only if the primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause. The Commission shall consider advertising materials, social media accounts, and websites in determining a tournament's primary purpose. Citing the retailer's premises as the location of a tournament shall not be construed to be cooperative advertising in violation of 14B NCAC 15B .1005 when the retailer's trade name is stated in substantially smaller typeface than the majority of the advertisement.

(c) Sponsorship/Advertising Agreements Restricted. No industry member agreeing to sponsor a tournament shall enter into any agreement or contract, either express or implied, that a retailer or special one-time permittee will sell that industry member's products to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors.

(d) Joint Sponsorships. An industry member shall not agree to cosponsor a tournament with a retail permittee unless the proceeds

from the tournament are paid to a nonprofit civic, scientific, charitable, or educational organization.

(e) Prohibited Sponsorships. An industry member shall not sponsor or aid a retailer in the promotion of a tournament held to benefit the retailer, its employees, members, or guests.

History Note: Authority G.S. 18B-100; 18B-207; Eff. July 1, 1992; Amended Eff. November 1, 2012; Transferred and Recodified from 04 NCAC 02T .0715 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 15C .0714 CONSUMER CONTESTS; SWEEPSTAKES

(a) General. Malt beverage, wine, and spirituous liquor industry members may offer consumer contests or sweepstakes only if no purchase is required. Entry forms may be attached to or part of an alcoholic beverage label or package so long as a tear pad of entry forms is available to the consumer at the point of purchase or electronic entry forms are available on the internet.

(b) Point-of-Sale Permissible; Restriction on Retailer Involvement. An industry member may provide to a retailer point-of-sale advertising materials promoting a sweepstakes or contest. An industry member shall not offer or promote a sweepstakes or contest in conjunction with a retailer as a cosponsor or as the provider of a prize. No prizes may be drawn or awarded on the premises of a retailer. Officers, employees, and representatives of industry members and retailers are excluded from participating in a consumer sweepstakes or contest offered under this Rule.

History Note: Authority G.S. 18B-100; 18B-105; 18B-207; Eff. July 1, 1992; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0716 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. May 1, 2026.

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) military service;
- (4) current employer;
- (5) date of birth, birth country, state or province, county or parish, and citizenship; and
- (6) driver's license number and state of issuance.

(b) This online application shall be submitted not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e); and
- (5) proof of having completed continuing education as require by Rule .1202 of this Chapter.

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

(d) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within two years of the expiration date and the following documentation is submitted to the Board:

- (1) an online Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (4) a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (5) the applicant's non-refundable application fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (6) proof of liability insurance as set out in G.S. 74C-10(e);
- (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of Investigations, with payment to be paid online through the Board's online application process; and

(8) proof of having completed continuing education as required by Rule .1202 of this Chapter.

(e) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9; Eff. June 1, 1984; Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994; July 1, 1987; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015; Amended Eff. November 1, 2017; Readopted Eff. March 1, 2020; Amended Eff. May 1, 2026; September 1, 2024; July 1, 2022; July 1, 2021.

14B NCAC 16 .0205 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's website an application for a company business license on a form provided by the Board. Only a sole proprietorship that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall require the firm, association, or corporation name; the address of its principal office within the State; any past conviction for criminal offenses of any company director, or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its application for a license, a copy of its certificate of authority to transact business in this State issued by the North Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute the consent.

(c) After filing a completed application with the Board, the Board shall conduct a background investigation to determine if the qualifying agent is in a management position. A management position means a position which manages established divisions or subdivisions of the firm, association or corporation and directs the work of one or more supervisors, has the authority to hire, reward, discipline or discharge employees, and may also provide suggestions for changes in policy to senior executives with policy-making authority. The Board shall also determine if the directors or officers have the requisite good moral character as defined in

G.S. 74C-8(d)(2). For purposes of this Rule, "conviction" means and includes the entry of a plea of guilty or no contest, a prayer for judgment continued or adjudication withheld, or a verdict rendered in open court by a judge or jury.

(d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This license shall be conspicuously displayed at the principal place of business within North Carolina.

(e) The company business license shall be issued only to the business entity and shall not be construed to extend to the licensing of its officers and employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

(g) Dissolution or administrative suspension of corporate status shall result in suspension of the company business license by operation of law and may result in disciplinary action for unlicensed if it is determined that the suspension was due to intentional disregard of the law or inaction.

History Note: Authority G.S. 74C-2(a); 74C-5; Eff. April 1, 1993; Amended Eff. February 1, 1995; Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015; Readopted Eff. March 1, 2020; Amended Eff. May 1, 2026; November 1, 2023.

14B NCAC 16 .0703 MINIMUM STANDARDS FOR UNARMED SECURITY GUARD REGISTRATION

An applicant for registration shall:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States or a resident alien;
- (3) be of good moral character and temperate habits. Any of the following within the last five years shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, state, federal, or military court of any crime involving the illegal use, carrying, or possession of a firearm; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage, conviction of a crime involving felonious assault or an act of violence; conviction of a crime involving unlawful breaking and/or entering, burglary, or larceny, or a history of addiction to alcohol or a narcotic drug. For the purposes of this Rule, "conviction" means and includes the entry of a plea of guilty or no contest, a prayer for judgment continued or adjudication withheld, or a verdict rendered in open court by a judge or jury;

- (4) not have been judicially declared incompetent or not have been involuntarily committed to an institution for treatment of mental illness. When an individual has been treated and found to have been restored, the Board will consider this evidence and determine whether the applicant meets the requirements of this Rule; and
- (5) not have had a revocation of a registration.

History Note: Authority G.S. 74C-5; 74C-12(a)(19); Eff. June 1, 1984; Amended Eff. August 1, 1988; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0703 Eff. July 1, 2015; Readopted Eff. August 1, 2020; Amended Eff. May 1, 2026; July 1, 2021.

14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD 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. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online form shall be submitted less than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee; and
- (4) a completed affidavit form and public notice statement form.

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

(d) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(e) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015; Amended Eff. November 1, 2017; Readopted Eff. March 1, 2020; Amended Eff. May 1, 2026; September 1, 2024; July 1, 2022.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

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

(d) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including the affidavit in the guard's personnel file in the employer's office.

(e) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(f) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

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

History Note: Authority G.S. 74C-5; 74C-8.1; 74C-9; 74C-13; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015; Amended Eff. January 1, 2018; November 1, 2017; Readopted Eff. November 1, 2019; Amended Eff. March 1, 2020; Emergency Amendment Eff. May 6, 2020; Temporary Amendment Eff. July 24, 2020; Temporary Amendment Expired Eff. May 14, 2021; Amended Eff. May 1, 2026; September 1, 2024; October 1, 2022; July 1, 2022; January 1, 2022.

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

(a) Each applicant for a firearms trainer certificate shall submit an online application to the Board containing the applicant's:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) residence history;

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

History Note: Authority G.S. 74C-5; 74C-8(d); 74C-8.1(a); 74C-13;
 Eff. June 1, 1984;
 Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;
 Temporary Amendment Eff. July 17, 2001;
 Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;
 Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;
 Amended Eff. November 1, 2017;
 Readopted Eff. March 1, 2020;

Amended Eff. May 1, 2026; September 1, 2024; January 1, 2024; July 1, 2021.

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

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online application shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

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

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

(d) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. The applicant shall furnish the Board a copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

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

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

(g) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying,

the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; 93B-15; 15A-151(a)(10); Eff. June 1, 1984; Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015; Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015; Readopted Eff. November 1, 2019; Amended Eff. March 1, 2020; Emergency Amendment Eff. May 6, 2020; Temporary Amendment Eff. July 24, 2020; Temporary Amendment Expired Eff. May 14, 2021; Amended Eff. May 1, 2026; September 1, 2024; January 1, 2024; October 1, 2022; July 1, 2022; January 1, 2022.

14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER

- (a) Each applicant for an unarmed trainer certificate shall submit an online application to the Board containing the applicant's:
- (1) name, address, telephone numbers, and social security number;
 - (2) gender and race;
 - (3) residence history;
 - (4) date of birth, birth country, state or province, county or parish, and citizenship; and
 - (5) driver's license number and state of issuance.
- (b) The online submission shall be accompanied by:
- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
 - (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
 - (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
 - (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

- (5) the applicant's non-refundable application fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
- (6) a certificate of successful completion of the training required by Rule .0909(a)(3) or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.
- (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part of the online application process by the Private Protective Services Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; Eff. October 1, 2004; Amended Eff. January 1, 2013; Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015; Readopted Eff. March 1, 2020; Amended Eff. May 1, 2026; September 1, 2024; January 1, 2024.

14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE

- (a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website provided by the Board. The application shall contain:
- (1) name, address, telephone numbers, and social security number;
 - (2) gender and race;
 - (3) current employer;
 - (4) date of birth, birth country, state or province, county or parish, and citizenship;
 - (5) driver's license number and state of issuance; and
 - (6) firearm type.
- (b) This online form shall be submitted not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:
- (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the application process;
 - (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed instruction performed during the current unarmed trainer certification period;
 - (3) a statement verifying the classes taught during the current unarmed trainer certification period on a form provided by the Board as part of the online application process; and
 - (4) a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months.
- (c) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-

8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

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

(e) During a national or State declared state of emergency that restricts or prohibits an unarmed trainer from performing the instruction required by Subparagraph (b)(2) of this Rule, the Board shall, upon written request to the Director by the licensee, extend the deadline for renewal up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if instruction requirements have not been met.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; Eff. August 1, 2004;

Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008; Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;

Readopted Eff. March 1, 2020;

Amended Eff. May 1, 2026; October 1, 2022; July 1, 2022.

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete an online form provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) military service;
- (4) current employer;
- (5) date of birth, birth country, state or province, county or parish, and citizenship; and
- (6) driver's license number and state of issuance.

(b) This online form shall be submitted not less than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) a statement of the results of a statewide criminal history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (2) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken

within six months prior to online application and submitted by uploading the photograph online with application submission; and

- (4) a completed affidavit form and public notice statement form.

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

(d) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(e) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a); Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020;

Amended Eff. May 1, 2026; September 1, 2024; July 1, 2022.

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card his or her employer or designee shall complete an online form provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) military service;
- (4) current employer;
- (5) date of birth, birth country, state or province, county or parish, and citizenship; and
- (6) driver's license number and state of issuance.

(b) This online form shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;

- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
- (6) a completed affidavit form and public notice statement form.

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

(d) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and completed application, including the completed affidavit form, to serve as a record of application for renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(e) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13; Eff. January 1, 2013; Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015; Amended Eff. November 1, 2017; Readopted Eff. March 1, 2020; Amended Eff. May 1, 2026; September 1, 2024; July 1, 2022.

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. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) military service;
- (4) current employer;
- (5) date of birth, birth country, state or province, county or parish, and citizenship; and
- (6) driver's license number and state of issuance.

(b) 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 the convenience fee charged by the Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online.

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

(d) 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.

(e) Each applicant for a branch office license shall submit an online application on the website provided by the Board containing the physical address and telephone number of the branch office, the Qualifying Agent responsible for the branch office, the proposed branch manager, the parameters or scope of duties of the branch office, and the anticipated number of employees. This online application shall be accompanied by the branch office application fee.

(f) 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.

History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8; Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March 1, 1993; July 1, 1987; January 1, 1986; Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015; Amended Eff. December 1, 2017; Readopted Eff. June 1, 2018; Amended Eff. September 1, 2019; Emergency Amendment Eff. June 9, 2020; Amended Eff. August 1, 2020; Temporary Amendment Eff. August 28, 2020; Temporary Amendment Expired Eff. June 12, 2021; Amended Eff. May 1, 2026; September 1, 2024; August 1, 2022; November 1, 2021.

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. The application shall contain:
 - (1) name, address, telephone numbers, and social security number;
 - (2) gender and race;
 - (3) military service;
 - (4) current employer;
 - (5) date of birth, birth country, state or province, county or parish, and citizenship; and
 - (6) driver's license number and state of issuance.
- (b) 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 the convenience fee charged by the Board's on-line application vendor and the credit card transaction fee

- (6) charged by the applicant's credit card provider and collected online; and a completed affidavit form attesting to the truth of the information provided and public notice statement form.
- (c) 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 the convenience fee charged by the 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.
- (d) 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.

History Note: Authority G.S. 74D-2.1; 74D-5; 74D-8; Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990; November 1, 1988; Transferred and Recodified from 12 NCAC 11 .0301 Eff. July 1, 2015; Amended Eff. December 1, 2017; Readopted Eff. June 1, 2018; Amended Eff. May 1, 2026; September 1, 2024; August 1, 2022; August 1, 2020; September 1, 2019.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02B .0206 FLOW DESIGN CRITERIA FOR EFFLUENT LIMITATIONS

- (a) For purposes of this Rule, the following definitions shall apply:
 - (1) "1Q10" means the minimum average flow for a period of one day that has an average recurrence of once in ten years;
 - (2) "7Q10" means the minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years;
 - (3) "30Q2" means the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years;
 - (4) "Mean annual flow" means the same as "annual mean flow" as defined in 40 CFR 125.83, which is incorporated by reference including subsequent amendments and editions and available free of charge at: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-125/subpart-I/section-125.83>;
 - (5) "Non-erosive velocity" means the same as defined in 15A NCAC 02H .1002 (26); and

(6) The "Rational Method" estimates peak flow for a storm of interest as a function of a composite runoff coefficient, rainfall intensity for the storm of interest, and drainage area.

(b) Water quality based effluent limitations shall be developed by the Director to allow appropriate frequency and duration of deviations from water quality standards so that the designated uses of receiving streams and downstream waters are protected. There are water quality standards for a number of categories of pollutants and to protect a range of water uses. For this reason, the appropriate frequency and duration of deviations from water quality standards shall not be the same for all pollutants. A flow design criterion shall be used in the development of water quality based effluent limitations as a simplified means of estimating the acceptable frequency and duration of deviations. More complex modeling techniques may be used to set effluent limitations based on frequency and duration criteria published by the U.S. Environmental Protection Agency and incorporated by reference, including subsequent amendments and editions. Frequency and duration criteria published by the U.S. Environmental Protection Agency is available free of charge at: <http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm>. Where the Director determines that the applicant selected model will not protect the designated uses of the receiving streams and downstream waters, then the Director shall notify the applicant in writing the reasons why the selected model is not suitable.

(c) Water quality based effluent limitations shall be developed using the following flow design criteria:

- (1) Except for toxic substances and aesthetics, all water quality standards shall be protected using the 7Q10 flow. Other governing flow strategies, such as varying discharges with the receiving stream's or downstream water's ability to assimilate wastes, may be designated by the Director on a case-by-case basis if the discharger or permit applicant provides evidence that establishes that the alternative flow strategies will give equal or better protection of water quality standards such that deviations from the standard would be expected at the same or lesser frequency than provided by using the 7Q10 flow.
- (2) Toxic substances shall be protected as follows:
 - (A) Toxic substance standards to protect aquatic life from chronic toxicity shall be protected using the 7Q10 flow;
 - (B) Toxic substance standards to protect aquatic life from acute toxicity shall be protected using the 1Q10 flow;
 - (C) Toxic substance standards to protect human health through the consumption of water, fish, and shellfish from noncarcinogens shall be protected using the 7Q10 flow; and
 - (D) Toxic substance standards to protect human health through the consumption of water, fish, and shellfish from carcinogens shall be

protected using the mean annual flow, unless site specific fish contamination concerns necessitate the use of an alternative design flow.

(3) Aesthetic quality shall be protected using the 30Q2 flow.

(d) If the stream flow is regulated, a minimum daily low flow may be used as a substitute for the 7Q10 flow, except in cases where there are acute toxicity concerns for aquatic life. For streams where there are acute toxicity concerns, an alternative low flow, such as the instantaneous minimum release, shall be used if the Director determines, on a case-by-case basis, that the designated uses of receiving streams and downstream waters are protected.

(e) Flow design criteria shall be used to develop water quality based effluent limitations and in the design of wastewater treatment facilities. Deviations from a specific water quality standard resulting from discharges that are demonstrated to be in compliance with water quality based effluent limitations for that water quality standard shall not be a violation pursuant to G.S. 143-215.6A when the actual stream flow is less than the design flow.

(f) If the 7Q10 flow of the receiving stream is estimated to be zero and the 30Q2 flow of the receiving stream is estimated to be greater than zero, then water quality based effluent limitations shall be assigned as follows:

- (1) New or expanded discharges of oxygen consuming waste shall be set at BOD₅ = 5 mg/l, NH₃-N = 2 mg/l and DO = 6 mg/l, unless it is determined by the Director through modeling or other analysis that these limitations will not protect water quality standards. More stringent limits shall be applied if violations of water quality standards are predicted to occur for a new or expanded discharge with the limits set pursuant to this Rule or if existing limits are determined to be inadequate to protect water quality standards.
- (2) Other water quality standards shall be protected by requiring the discharge to meet the water quality standards set forth in this Subchapter, unless the Director determines that alternative limitations protect the designated uses of receiving streams and downstream waters.
- (3) Requirements for existing discharges shall be determined on a case-by-case basis by the Director using a site-specific analysis for each discharge.

(g) If the 7Q10 flow and the 30Q2 flow of the receiving streams are both estimated to be zero, then domestic wastewater discharges of oxygen consuming waste shall be permitted only if all of the following are met:

- (1) The proposed permitted flow for the wastewater discharge shall be lesser of:
 - (A) No more than one-tenth of the flow generated by the one-year, 24-hour storm event based on the drainage area of the receiving stream at the discharge location and calculated

- using the Rational Method. The Rational Method shall be used to calculate the peak runoff for the one-year, 24-hour precipitation event in cubic feet per second. The peak runoff shall then be divided by 10 and multiplied by 646,272 to convert the result to gallons per day of allowable discharge at the point studied; or
- (B) No more than two million gallons per day.
- (2) All wastewater discharges shall be directed to a system that utilizes low-energy methodologies prior to discharging to receiving streams at non-erosive velocities, such as:
- (A) An infiltration system, which may include engineered materials to achieve higher rates of infiltration. Engineered materials shall have an ASTM gradation of fine to coarse grain sand and shall be angular to maintain structural integrity of the slope;
- (B) Constructed free-surface wetland with a hydraulic residence time of at least 14 days; or
- (C) Other technologies that meet the standard of practice for NC Licensed Professional Engineers for such devices that provide a physical buffer or hydraulic residence time sufficient to discharge at non-erosive velocities.
- (3) If the wastewater discharge to the receiving stream exceeds one cubic foot per second based on the average daily flow of the discharge, then more than one outfall to the receiving stream shall be utilized for the wastewater discharge. The discharge at each outfall shall not exceed one cubic foot per second and the outfalls shall be at least 50 linear feet apart along the receiving streams. Cumulative discharge to the receiving stream shall not exceed the lesser of the requirements in Subparagraph (g)(1) of this Rule.
- (4) No wastewater discharges shall be allowed to Class SA, SB, SC, WS-I, WS-II, WS-III, WS-IV, WS-V, ORW or HQW waters.
- (5) For wastewater discharges to NSW waters, the Director may require additional modeling by the applicant using a site-specific analysis for each discharge. Additional allocation of flow shall be at the discretion of the Director using a site-specific analysis for each discharge.
- (6) In addition to any other effluent limits for any other parameters to ensure the permit does not violate any EPA-approved NC water quality standards, the following effluent limits shall apply:
- (A) Biological oxygen demand (BOD5) shall not exceed 5.0 mg/l monthly average;
- (B) NH₃, 0.5 mg/l monthly average, 1.0 mg/l daily maximum;
- (C) Total nitrogen shall not exceed 4.0 mg/l monthly average;
- (D) Total phosphorus, 1.0 mg/l monthly average, 2.0 mg/l daily maximum;
- (E) Fecal coliforms, 14 colonies/100ml or less;
- (F) Dissolved oxygen, 7.0 mg/l or greater;
- (G) Total suspended solids, 5.0 mg/l monthly average, 8mg/l daily maximum; and
- (H) Nitrate, 1.0 mg/l monthly average, 2.0 mg/l daily maximum.
- The Director may impose different effluent limits than those set forth in Parts (g)(6)(A) through (H) of this Rule to ensure that the permit does not violate any EPA-approved NC water quality standards using a site-specific analysis for each discharge.
- (7) The applicant shall demonstrate:
- (A) The proposed discharge meets the requirements in Subparagraphs (g)(1), (2), (3), and (4) of this Rule;
- (B) The proposed discharge is a domestic wastewater discharge as defined in Rule .0202 of this Section;
- (C) When the receiving stream has naturally occurring low dissolved oxygen levels, the proposed discharge complies with G.S. 143-215.1(c7); and
- (D) When the receiving stream does not have naturally occurring low dissolved oxygen levels, the proposed discharge does not reduce the dissolved oxygen levels of the receiving stream more than 0.1 mg/l below the approved modeled in-stream dissolved oxygen level for the receiving stream at total permitted capacity for all discharges to such receiving stream. The applicant shall use a model utilized elsewhere in USEPA Region 4, such as the Streeter-Phelps model used in the State of Alabama, and the selected model shall be approved by the Director as suitable for the particular discharge and receiving stream.
- (8) If an applicant requests less stringent effluent limits than those set forth in Subparagraph (g)(6) of this Rule, then the applicant shall conduct more complex modeling. The applicant shall use a model accepted elsewhere in USEPA Region 4 that is approved by the

Director as suitable for the particular discharge and receiving stream. The modeling shall demonstrate the requirement in Part (g)(7)(C) or (g)(7)(D) of this Rule, whichever is applicable, is met, and all EPA-approved NC water quality standards are protected.

- (9) Applicants shall provide either:
 - (A) Mapping data from USGS; or
 - (B) Mapping data prepared by an engineer of record licensed in the State utilizing either USGS mapping data or other maps approved for use by the Director.
- (10) Where the Director determines that the applicant selected model under Subparagraphs (g)(5) or (g)(8) of this Rule or Part (g)(7)(D) of this Rule is not suitable for the particular discharge or receiving stream and downstream waters, then the Director shall notify the applicant in writing the reasons why the selected model is not suitable.

(h) Receiving water flow statistics shall be estimated through consultation with the U.S. Geological Survey. Estimates for any given location may be based on actual flow data, modeling analyses, or other methods determined to be appropriate by the Director.

History Note: Authority G.S. 143-214.1; 143-215.1(c7); 143-215.3(a)(1); SL 2024-44 s. 5.1; SL 2025-94 s. 23; Eff. February 1, 1976; Amended Eff. January 1, 2015; February 1, 1993; October 1, 1989; August 1, 1985; January 1, 1985; Readopted Eff. November 1, 2019; Amended Eff. May 1, 2026.

15A NCAC 02H .0107 STAFF REVIEW AND EVALUATION

(a) The Director is authorized to accept applications for the Commission and shall refer all applications to the staff for review and evaluation. Additionally, the Director shall refer NPDES Permit applications for the discharge of waste into waters classified as sources of public water supply (WS classification) and shellfish waters classified SA to the Public Water Supply Section, Division of Water Resources, and the Shellfish Sanitation Program, Division of Marine Fisheries, respectively, both of the Department of Environmental Quality, and shall not take final action on such applications until receiving written confirmation that the proposed discharge is acceptable.

(b) The Director shall acknowledge receipt of an NPDES or Authorization to Construct permit application upon verifying that the application is administratively complete, that is, includes the completed and signed application forms specified in Rule .0105(a) of this Section, any necessary supplemental information, and any associated fees, in accordance with Rules .0105 and .0106 of this Section.

- (1) If an application is not administratively complete, the Director shall either return the application to the applicant as incomplete or request the additional information required. If additional information is requested, the

applicant shall be given up to 60 days to provide the information to make the application complete.

- (2) If technical review of the application reveals that additional information is necessary for staff to evaluate the proposed discharge, the Director shall notify the applicant of the additional information required. The applicant may be given up to 60 days to provide the information to make the application complete.

- (3) If an application is submitted in accordance with 15A NCAC 02B .0206(g), then the following shall also apply:

- (A) Within 30 days of the filing of an application for a wastewater discharge subject to 15A NCAC 02B .0206(g), the Director shall determine whether or not the application is complete and notify the applicant accordingly.
- (B) If the Director determines an application is incomplete, the Director shall specify all such deficiencies in the notice to the applicant.
- (C) The applicant may file an amended application or supplemental information within 60 days to cure the deficiencies identified by the Director for the Director's review.

(c) The staff shall review the application, supplemental information, and other pertinent information, such as monitoring data, compliance records, special studies, and water quality management plans, and shall make a tentative determination to issue, reissue, deny, modify, revoke, rescind, or deny the permit.

- (1) The staff shall conduct a site investigation of each facility prior to making its tentative determination regarding the NPDES permit. On-site investigations shall not be necessary for Authorization to Construct permits, activities covered under general permits, and renewal of individual permits when renewal does not require significant reevaluation of permit conditions such as to address expansion of treatment plant capacity, modification of the wastewater treatment process, or changes in the nature or source of wastewaters to be treated.

- (2) If the staff's tentative determination in Subparagraph (1) of this Paragraph is to issue the permit, it shall if necessary make the following additional determinations in writing:

- (A) proposed effluent limitations for those pollutants proposed to be limited;
- (B) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and
- (C) a description of any other special conditions proposed in the draft permit.

(3) The staff shall organize the determinations made pursuant to Subparagraphs (1) and (2) of this Paragraph into a draft permit.

(d) In the case of permits for which Notice of Intent is given in accordance with Rules .0105 and .0127 of this Section, a Certificate of Coverage under a general permit may be issued directly to the applicant in lieu of any other acknowledgment. If the discharge is not eligible for coverage under the general permit, or if the Notice of Intent is not complete and accompanied by the required application fee, the Notice of Intent shall be returned to the applicant with an explanation of the inadequacies.

History Note: Authority G.S. 130-161; 143-215.1(a); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(4); SL 2024-44 s. 5.1; SL 2025-94 s. 23;

Eff. February 1, 1976;

Amended Eff. March 1, 1993; August 1, 1991; August 1, 1988; October 1, 1987;

Readopted Eff. May 1, 2020;

Amended Eff. May 1, 2026.

15A NCAC 07H .2302 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the Regional Office indicated on the map located at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and request approval for development as defined in G.S. 113A-103(5).

(b) The applicant shall provide:

- (1) the site location, project narrative, dimensions of the project area, and applicant's name and address;
- (2) a dated plat(s) showing existing and proposed development; and
- (3) confirmation that a written statement has been obtained and signed by the adjacent riparian property owners, indicating that they have no objections to the proposed work; or
- (4) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent riparian property owners to provide any comments on the proposed development in writing to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response by the adjacent riparian property owners will be interpreted as the adjacent riparian property owners having no objection. Division staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If Division staff finds that the comments are worthy of more in-depth review, the Division shall notify the applicant that he or she must submit an application for a major development permit.

(c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative to review the proposed development. A permit to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction authorized by this permit shall be completed within two years of permit issuance or the permit shall expire and a new permit shall be required to begin or continue construction. If the applicant seeks a new permit under this Section, the Division of Coastal Management shall re-examine the proposed development to determine if the General Permit may be reissued. Pursuant to G.S. 136-44.7B, permits issued to the North Carolina Department of Transportation for projects identified in the Transportation Improvement Program shall not expire. Approval of projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided with a copy of this General Permit.

(d) Any modification or addition to the permitted project shall require approval from the Division of Coastal Management.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;

Eff. June 1, 1996;

Amended Eff. May 1, 2010;

Readopted Eff. October 1, 2022;

Amended Eff. May 1, 2026.

TITLE 16 - TITLE 16 - EDUCATION - NO CONVERSION FOUND

16 NCAC 06C .0102 QUALIFICATIONS OF TEACHERS

Except as otherwise provided by law, any person employed as a teacher in a North Carolina public school shall hold or be qualified to hold a teacher license issued by the State Board of Education in accordance with Section .0300 of this Subchapter. For purposes of this Rule, "teacher" is defined in G.S. 115C-270.1(5).

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-295;

Eff. July 1, 1986;

Amended Eff. August 1, 2000;

Readopted Eff. July 1, 2026.

16 NCAC 06C .0202 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Administrator preparation program" or "APP" is defined in G.S. 115C-284.1(a).
- (2) "Approved EPP" is defined in G.S. 115C-269.1(1).
- (3) "Authorized EPP" is defined in G.S. 115C-269.1(2).
- (4) "Beginning teacher" means a professional educator who holds a license other than a Continuing Professional License or a Limited License.
- (5) "Clinical educator" is defined in G.S. 115C-269.1(4).

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| <p>(6) "Clinical intern" or "intern" is defined in G.S. 115C-269.1(5).</p> <p>(7) "Clinical internship" or "internship" is defined in G.S. 115C-269.1(6).</p> <p>(8) "Clinical mentor" or "mentor" is defined in G.S. 115C-269.1(7).</p> <p>(9) "Clinical residency" or "residency" is defined in G.S. 115C-269.1(8).</p> <p>(10) "Clinical resident" is defined in G.S. 115C-269.1(9).</p> <p>(11) "Educator preparation program" or "EPP" is defined in G.S. 115C-269.1(10).</p> <p>(12) "EVAAS" means the Education Value-Added Assessment System.</p> <p>(13) "Field experience" is defined in G.S. 115C-269.1(11).</p> <p>(14) "Field supervisor" is defined in G.S. 115C-269.1(12).</p> <p>(15) "Initially authorized EPP" is defined in G.S. 115C-269.1(13).</p> <p>(16) "License" means a professional educator license issued by the State Board of Education in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.</p> <p>(17) "NCEES" means the North Carolina Educator Evaluation System.</p> <p>(18) "Partner school" is defined in G.S. 115C-269.1(14).</p> <p>(19) "Recognized EPP" is defined in G.S. 115C-269.1(15).</p> | <p>(d) Does not have an investigation relating to unprofessional conduct pending in any jurisdiction relating to the license; and</p> <p>(e) Has not been voluntarily surrendered while under investigation for unprofessional conduct in any jurisdiction.</p> <p>(7) "Continuing education unit" or "CEU" means credit earned by a professional educator for the purpose of renewing the educator's license. One CEU shall consist of either:</p> <p>(a) Two-thirds of a semester credit hour from an institution of higher education; or</p> <p>(b) Ten clock hours of professional development programming.</p> <p>(8) "Continuing professional license" or "CPL" means a five-year, renewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.</p> <p>(9) "Educator preparation program" or "EPP" is defined in G.S. 115C-269.1(10).</p> <p>(10) "Emergency license" or "EL" is defined in 115C-270.20(a)(2).</p> <p>(11) "EVAAS" means the Education Value-Added Assessment System.</p> <p>(12) "Initial professional license" or "IPL" means a three-year, nonrenewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.</p> <p>(13) "Jurisdiction" means any of the following:</p> <p>(a) A state, territory, or federal district of the United States.</p> <p>(b) A foreign country or political subdivision thereof.</p> <p>(14) "License" means a professional educator license issued by the State Board of Education in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.</p> <p>(15) "License area" means a grade level, content area, or specialization in which a license authorizes the licensee to practice.</p> <p>(16) "Licensure examination requirements" means the standardized examination requirements adopted by the State Board of Education pursuant to G.S. 115C-270.15 for each license classification.</p> <p>(17) "Lifetime license" is defined in G.S. 115C-270.20(d).</p> <p>(18) "Limited license" is defined in G.S. 115C-270.20(a)(4a).</p> <p>(19) "Out-of-state applicant" means any applicant who completed an educator preparation program or administrator preparation program with a principal place of business outside of</p> |
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History Note: Authority G.S. 115C-12(9); 115C-269.1; Eff. July 1, 1986; Amended Eff. December 1, 2004; August 1, 2000; July 1, 1993; December 1, 1992; March 1, 1990; Readopted Eff. July 1, 2026.

16 NCAC 06C .0301 DEFINITIONS

As used in this Section, the following definitions apply:

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| <p>(1) "Administrator" is defined in G.S. 115C-270.1(1).</p> <p>(2) "Administrator license" is defined in 115C-270.20(b)(1).</p> <p>(3) "Administrator preparation program" or "APP" is defined in G.S. 115C-284.1(a).</p> <p>(4) "Applicant" means a person applying for any of the licensure services listed in 16 NCAC 06C .0371.</p> <p>(5) "Beginning teacher" is defined in 16 NCAC 06C .0202(4).</p> <p>(6) "Clear license" means a professional educator license or its equivalent that:</p> <p>(a) Is in good standing with the licensing authority that issued the license;</p> <p>(b) Does not require the completion of any additional professional examinations or coursework;</p> <p>(c) Has not been revoked or had discipline imposed by any jurisdiction;</p> | <p>(7) "Continuing education unit" or "CEU" means credit earned by a professional educator for the purpose of renewing the educator's license. One CEU shall consist of either:</p> <p>(a) Two-thirds of a semester credit hour from an institution of higher education; or</p> <p>(b) Ten clock hours of professional development programming.</p> <p>(8) "Continuing professional license" or "CPL" means a five-year, renewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.</p> <p>(9) "Educator preparation program" or "EPP" is defined in G.S. 115C-269.1(10).</p> <p>(10) "Emergency license" or "EL" is defined in 115C-270.20(a)(2).</p> <p>(11) "EVAAS" means the Education Value-Added Assessment System.</p> <p>(12) "Initial professional license" or "IPL" means a three-year, nonrenewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.</p> <p>(13) "Jurisdiction" means any of the following:</p> <p>(a) A state, territory, or federal district of the United States.</p> <p>(b) A foreign country or political subdivision thereof.</p> <p>(14) "License" means a professional educator license issued by the State Board of Education in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.</p> <p>(15) "License area" means a grade level, content area, or specialization in which a license authorizes the licensee to practice.</p> <p>(16) "Licensure examination requirements" means the standardized examination requirements adopted by the State Board of Education pursuant to G.S. 115C-270.15 for each license classification.</p> <p>(17) "Lifetime license" is defined in G.S. 115C-270.20(d).</p> <p>(18) "Limited license" is defined in G.S. 115C-270.20(a)(4a).</p> <p>(19) "Out-of-state applicant" means any applicant who completed an educator preparation program or administrator preparation program with a principal place of business outside of</p> |
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- North Carolina. This includes international preparation programs.
- (20) "Out-of-state exam" means a standardized examination recognized by the licensing authority of a jurisdiction outside North Carolina that is designed to demonstrate an applicant's academic and professional preparation in license area and the passage of which is necessary to be issued a renewable license in the that jurisdiction.
 - (21) "Provisional assistant principal license" is defined in G.S. 115C-270.20(b)(2).
 - (22) "Renewal cycle" means the five-year period between each renewal of a CPL.
 - (23) "Residency license" is defined in G.S. 115C-270.20(a)(5).
 - (24) "State Salary Schedule" means the salary schedule for teachers and other public school personnel administered by the State Board of Education in accordance with G.S. 115C-12(9)a. and 115C-12(16).
 - (25) "Student services personnel" is defined in G.S. 115C-270.1(4).
 - (26) "Student services personnel license" is defined in G.S. 115C-270.20(b1).
 - (27) "Teacher" is defined in G.S. 115C-270.1(5).

History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-270.15; 115C-270.20; Eff. July 1, 1986; Amended Eff. August 1, 2000; March 1, 1990; Readopted Eff. July 1, 2026.

16 NCAC 06C .0302 GENERAL LICENSURE REQUIREMENTS

- (a) Except as otherwise provided by law, any person employed as a professional educator in a North Carolina public school shall hold or be qualified to hold a professional educator license issued by the State Board of Education in accordance with this Section.
- (b) The State Board of Education shall issue the following classifications of professional educator licenses:
 - (1) Teacher;
 - (2) Administrator; or
 - (3) Student Services Personnel.
- (c) Each license issued by the State Board of Education shall include the following information:
 - (1) The grade levels, content areas, and specializations for which the applicant shall be eligible for employment;
 - (2) The applicant's years of professional experience; and
 - (3) The applicant's degree level, which shall be based on the highest degree issued to the applicant by an educator preparation program.
- (d) For any license that requires the applicant to complete an educator preparation program, the EPP must either be recognized by the State Board of Education or by the equivalent licensing authority in the state, country, or other jurisdiction in which the EPP maintains its principal place of business.

(e) The State Board of Education shall issue a license once the applicant submits a complete license application. An application is considered complete when the applicant has:

- (1) Submitted all information, documentation, and credentials required by 16 NCAC 06C .0334, thereby demonstrating qualification for the license;
- (2) Paid the relevant application fee, as prescribed by 16 NCAC 06C .0371; and
- (3) If applicable, been cleared from any investigation conducted by the Superintendent of Public Instruction pursuant to 16 NCAC 06C .0603.

(f) A complete application for one of the licensure services specified in 16 NCAC 06C .0371, except for license renewal, must be submitted to the SBE by April 15 of a given fiscal year to guarantee processing of the application prior to the end of the fiscal year. If a complete application is submitted after April 15 and the SBE does not approve the application prior to the end of the fiscal year, a PSU employing the applicant shall not use State or federal funds for the purpose of paying the applicant's salary for the fiscal year in which the application was submitted.

(g) Every license shall expire on June 30 of the calendar year in which it is set to expire, unless it is renewed, extended, or converted to another type of license in accordance with this Section.

History Note: Authority G.S. G.S. 115C-12(9); 115C-218.90; 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.30; 115C-295; Eff. July 1, 1986; Amended Eff. August 1, 2000; Readopted Eff. July 1, 2026.

16 NCAC 06C .0304 TEACHER LICENSE

- (a) A teacher license shall entitle the licensee to teach in license area(s) indicated on the license.
- (b) Except as provided in Paragraph (e) of this Rule below, to qualify for a teacher license, an applicant must have completed an educator preparation program at one of the following levels:
 - (1) Bachelor's Degree (A – Level)
 - (2) Master's Degree (M – Level)
 - (3) Specialist Degree (S – Level)
 - (4) Doctoral Degree (D – Level)
- (c) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP; however the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.
- (d) An applicant with a high school diploma (or equivalent) or associate's degree (V-Level) may be issued a teaching license in the following license areas, provided the applicant meets all other requirements for the license classification sought by the applicant, as provided in Paragraph (e) of this Rule:
 - (1) Career and Technical Education
 - (2) Junior Reserve Officer Training Corps
 - (3) Safety and Driver Education
- (e) Each teacher license shall be classified as one of the following based on the applicant's qualifications, in accordance with the corresponding rule:

APPROVED RULES

- (1) Initial Professional License, as provided in 16 NCAC 06C .0336
- (2) Continuing Professional License, as provided in 16 NCAC 06C .0337
- (3) Residency License, as provided in 16 NCAC 06C .0338
- (4) Limited License, as provided in 16 NCAC 06C .0340
- (5) Permit to Teach, as provided in 16 NCAC 06C .0341
- (6) Emergency License, as provided in 16 NCAC 06C .0342
- (7) International Faculty License, as provided in 16 NCAC 06C .0346
- (8) Lifetime License, as provided in 16 NCAC 06C .0349
- (9) Provisional License, as provided in 16 NCAC 06C .0308

(f) Each teacher license shall be classified as one or more of the following based on the license area(s) in which it entitles the applicant to teach:

- (1) Elementary
 - (A) Elementary (Kindergarten – Grade 6)
 - (B) Birth – Kindergarten
 - (C) Pre-School Add-On
 - (D) Reading (Kindergarten – Grade 6)
 - (E) Math (Kindergarten – Grade 6) Add-On
 - (F) Science (Kindergarten – Grade 6) Add-On
 - (G) Special Education: General Curriculum (Kindergarten – Grade 6)
 - (H) Special Education: Adapted Curriculum (Kindergarten – Grade 6)

The Pre-School, Math (Kindergarten – Grade 6), and Science (Kindergarten – Grade 6) classifications shall not be issued as standalone licenses but shall only be added to an existing license consistent with 16 NCAC 06C .0307. The Pre-School Add-On shall only be issued to an applicant with an existing license in Elementary Education, Special Education, or Family and Consumer Sciences – General.

- (2) Middle Grades (Grade 6 – Grade 9)
 - (A) Language Arts
 - (B) Mathematics
 - (C) Science
 - (D) Social Studies
- (3) Secondary (Grade 9 – Grade 12)
 - (A) English
 - (B) Mathematics
 - (C) Science
 - (D) Earth Science
 - (E) Biology
 - (F) Physics
 - (G) Chemistry
 - (H) Social Studies
 - (I) Political Science
 - (J) Geography
 - (K) History
 - (L) Economics

- (M) Sociology
- (N) Anthropology
- (O) Bible
- (P) French
- (Q) Spanish
- (R) German
- (S) Japanese
- (T) Russian
- (U) Latin
- (V) Other World Language
- (4) Special Subjects (Kindergarten – Grade 12)
 - (A) Art
 - (B) Music
 - (C) Dance
 - (D) Theater Arts
 - (E) Health Specialist
 - (F) Physical Education
 - (G) Health and Physical Education
 - (H) Safety and Driver Education
 - (I) Speech Communication
 - (J) Reading
 - (K) Junior Reserve Officer Training Corps
 - (L) English as a Second Language
 - (M) American Sign Language
 - (N) French
 - (O) Spanish
 - (P) German
 - (Q) Japanese
 - (R) Russian
 - (S) Arabic
 - (T) Cherokee
 - (U) Chinese
 - (V) Greek (Ancient)
 - (W) Greek (Modern)
 - (X) Hebrew
 - (Y) Hindi
 - (Z) Italian
 - (AA) Korean
 - (BB) Latin
 - (CC) Portuguese
 - (DD) Swahili
 - (EE) Turkish
- (5) Exceptional Children (Kindergarten – Grade 12)
 - (A) Exceptional Children: General Curriculum
 - (B) Exceptional Children: Adapted Curriculum
 - (C) Learning Disabled
 - (D) Cross Categorical (Mildly/Moderately Disabled)
 - (E) Severely/Profoundly Disabled
 - (F) Mentally Disabled
 - (G) Academically or Intellectually Gifted
 - (H) Deaf and Hard of Hearing
 - (I) Visually Impaired
 - (J) Behaviorally/Emotionally Disabled
- (6) Career and Technical Education
 - (A) Agriculture Education

- (B) Aviation Education
- (C) Business, Finance, and Information Technology Education
- (D) Career Development Coordinator
- (E) Career Development Facilitator
- (F) Computer Science and Information Technology Education
- (G) CTE Local Course Option
- (H) Curriculum & Instructional Management Coordinator
- (I) Family and Consumer Sciences – General
- (J) Family and Consumer Sciences – Apparel
- (K) Family and Consumer Sciences – Child Development and Family Studies
- (L) Family and Consumer Sciences – Food Nutrition and Culinary Arts
- (M) Family and Consumer Sciences – Interior Design
- (N) Health Sciences Education – Registered Nurse
- (O) Health Sciences Education – Non-Registered Nurse
- (P) Health Sciences Education – Biotechnology
- (Q) Marketing Education
- (R) Special Populations Coordinator
- (S) Technology, Engineering, and Design Education
- (T) Technology, Engineering, and Design Education – Digital Design / Animation and Game Art Design
- (U) Trade and Industrial Education – Collision Repair
- (V) Trade and Industrial Education – Automotive Services
- (W) Trade and Industrial Education – Construction
- (X) Trade and Industrial Education – Drafting
- (Y) Trade and Industrial Education – Welding
- (Z) Trade and Industrial Education – Manufacturing
- (AA) Trade and Industrial Education – Digital Media
- (BB) Trade and Industrial Education – Public Safety

16 NCAC 06C .0305 ADMINISTRATOR LICENSE

(a) An administrator license shall entitle the licensee to serve in general and program administrator roles, as provided by this Rule. To qualify for an administrator license, an applicant shall meet the requirements of G.S. 115C-270.20(b)(1) and other applicable requirements provided by this Rule.

(b) Each administrator license shall be classified as one of the following:

- (1) Superintendent
- (2) Principal
- (3) Curriculum Instructional Specialist
- (4) Instructional Technology Specialist
- (5) Career and Technical Education Director
- (6) Exceptional Children Program Administrator

(c) To qualify for a superintendent license, an applicant must complete an administrator preparation program at the specialist or doctoral degree level. A superintendent license shall entitle the licensee to serve as a superintendent, associate superintendent, or assistant superintendent in a local school administrative unit. To serve as the superintendent of a local school administrative unit, a person shall:

- (1) Hold a principal license and superintendent license issued by the State Board of Education; or
- (2) Hold a bachelor's degree or higher from a regionally accredited institution of higher education and five years of leadership or managerial experience deemed relevant by the local board of education that intends to hire the person. The SBE shall verify that any such person holds these credentials prior to employment by the local board. Employment as a local superintendent pursuant to this Subparagraph shall not entitle a person to a superintendent license for which the person would not otherwise qualify, but the local board may use State funds to pay the person's salary.

(d) To qualify for an Exceptional Children program administrator license, an applicant shall meet one of the following sets of credentials:

- (1) Option 1
 - (A) An M-Level license or higher in an Exceptional Children license area, or an S-Level license or higher in school psychology;
 - (B) Three credit hours of graduate degree-level coursework each in of the areas of school administration, curriculum development, and supervision; and
 - (C) Satisfaction of any applicable licensure examination requirements.
- (2) Option 2
 - (A) An M-Level license or higher in school administration or curriculum instruction;
 - (B) Nine credit hours of coursework in the area Exceptional Children; and
 - (C) Satisfaction of any applicable licensure examination requirements.

History Note: Authority G.S. 115C-12(9); 115C-154; 115C-270.5; 115C-270.20; Eff. July 1, 1986; Amended Eff. August 1, 2000; March 1, 1990; Temporary Amendment Eff. December 17, 2001; Amended Eff. January 2, 2006; April 1, 2003; Readopted Eff. July 1, 2026.

(e) To qualify for any other administrator license, an applicant shall have completed an administrator preparation program at one of the following levels:

- (1) Master's Degree (M – Level)
- (2) Specialist Degree (S – Level)
- (3) Doctoral Degree (D – Level)

For a principal license, the master's degree must be in School Administration, Educational Leadership, or another education-related field.

(f) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP or APP; however, the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.

(g) An applicant for an administrator license must satisfy any applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempts the examination(s) at least once during the first year of licensure.

- (1) If an applicant satisfies the examination requirements prior to initial application for an administrator license, the State Board of Education shall issue the applicant a continuing professional license.
- (2) If an applicant does not satisfy the examination requirements prior to initial application for an administrator license but otherwise meets the qualifications for the license, the State Board of Education shall issue the applicant an initial professional license.

(h) Any person employed as an assistant principal in a PSU must hold either a principal license or a provisional assistant principal license issued in accordance with 16 NCAC 06C .0308(g).

(i) In the event a principal position becomes vacant in the middle of a school year, a local board of education may hire a retired principal or retired assistant principal to serve as an interim principal for the remainder of the school year, even if that person's principal license has expired.

History Note: G.S. 115C-12(9); 115C-154; 115C-270.1; 115C-270.5; 115C-270.20; 115C-271; 115C-284; 115C-284.1; Eff. July 1, 1986;

Amended Eff. January 2, 2006; August 1, 2000; March 1, 1990; Readopted Eff. July 1, 2026.

16 NCAC 06C .0306 STUDENT SERVICES PERSONNEL LICENSE

(a) A student services personnel license shall entitle the licensee to provide specialized assistance to students, teachers, and administrators.

(b) Each student services personnel license shall be classified as one of the following:

- (1) School Counselor
- (2) School Social Worker
- (3) School Psychologist
- (4) Media Coordinator

(c) Except as otherwise provided by this Rule, to qualify for a student services personnel license, an applicant must have completed an educator preparation program at one of the following levels:

- (1) Master's Degree (M – Level)

- (2) Specialist Degree (S – Level)

- (3) Doctoral Degree (D – Level)

(d) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP; however, the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.

(e) A school social worker license shall require preparation at the bachelor's degree level ("A-Level") or higher.

(f) A school psychologist license shall require preparation at the specialist or doctoral degree level. The credential of Nationally Certified School Psychologist ("NCSP") issued by the National Association of School Psychologists shall entitle a holder of that credential to a continuing professional license.

(g) In order to serve as a school audiologist, a person shall hold a doctoral degree in audiology and an audiology license issued by the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists ("NCBOESLPA"). A person who obtained a master's degree in audiology prior to October 1, 2007, shall be exempt from the doctoral degree requirement provided that the person remains licensed by the NCBOESLPA.

(h) In order to serve as a school speech-language pathologist, a person shall hold a master's or doctoral degree in speech-language pathology and a speech-language pathology license issued by the NCBOESLPA.

(i) An applicant for a student services personnel license must satisfy any applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempts the examination(s) at least once during the first year of licensure.

- (1) If an applicant satisfies the examination requirements prior to initial application for a student services personnel license, the State Board of Education shall issue the applicant a continuing professional license.

- (2) If an applicant does not satisfy the examination requirements prior to initial application for a student services personnel license but otherwise meets the qualifications for the license, the State Board of Education shall issue the applicant an initial professional license.

History Note: Authority G.S. 90-294; 90-295; 115C-12(9); 115C-270.5; 115C-270.20;

Eff. July 1, 1986;

Amended Eff. August 1, 2000; March 1, 1990;

Readopted Eff. July 1, 2026.

16 NCAC 06C .0307 ADDITIONAL TEACHING AREAS

(a) An applicant may request to add a new license area to an existing IPL or CPL. An applicant may only add a license area to an IPL if the applicant has met the licensure examination requirements for the initial license area. To qualify for additional areas on a teaching license, the applicant shall:

- (1) Satisfy the applicable licensure examination requirements for that license area; or
- (2) Complete 24 credit hours of coursework from an institution of higher education in the license

area and obtain a grade of C or better in each course.

(b) For the following license areas, an applicant may only add that license area by satisfying the applicable licensure examination requirements and cannot add that license area through coursework alone:

- (1) Elementary Education
- (2) Exceptional Children: General Curriculum

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20; Eff. July 1, 1986; Amended Eff. January 2, 2006; August 1, 2000; January 2, 1998; July 1, 1994; December 1, 1991; Readopted Eff. July 1, 2026.

16 NCAC 06C .0308 PROVISIONAL LICENSE

(a) The governing body of a public school unit that has hired or intends to hire an applicant may request that the State Board of Education issue a provisional license or add-on teaching area to an applicant who satisfies the applicable requirements below and whose work assignment is in the area for which the provisional license is sought. Except where otherwise specified below, a provisional license shall expire after five years unless the provisional licensee satisfies all requirements to transition the provisional license to a full license. Provisional licenses for administrators and student services personnel are limited to those listed below.

(b) Teaching Provisional Add-On

- (1) To add a license area under 16 NCAC 06C.0307 on a provisional basis, an applicant must first hold an IPL or CPL.
- (2) To clear a provisional teacher license, the applicant must either:
 - (A) Satisfy any applicable licensure examination requirements for the provisional license area; or
 - (B) Complete 24 hours of coursework at an accredited institution of higher education in the provisional license area.

(c) School Counselor Provisional License

- (1) To qualify for a provisional school counselor license, the applicant must have completed a bachelor's degree or higher, be enrolled in a school counselor EPP, and have completed either:
 - (A) 24 credit hours of coursework in the school counselor EPP; or
 - (B) A master's degree from an accredited institution of higher education in one of the following counseling areas: addiction; career; clinical mental health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family; or rehabilitation.
- (2) To clear a provisional school counselor license, the applicant must complete a school counselor

EPP and satisfy any applicable licensure examination requirements within three years of the effective date of the provisional license.

(d) School Social Worker Provisional License

- (1) To qualify for a provisional school social worker license, the applicant must have completed a bachelor's degree, master's degree, specialist degree, or doctoral degree in social work and be enrolled in a school social worker EPP.
- (2) To clear a provisional school social worker license, the applicant must complete a school social worker EPP and satisfy any applicable licensure examination requirements.

(e) School Psychologist Provisional License

- (1) To qualify for a provisional school psychologist license, the applicant must have completed all requirements of a specialist or doctoral degree except for the thesis or internship.
- (2) To clear a provisional school psychologist license, the applicant must complete a school psychologist EPP and satisfy any applicable licensure examination requirements.

(f) Media Coordinator Provisional License

- (1) To qualify for a provisional media coordinator license, the applicant must either:
 - (A) Hold an A-Level teacher license;
 - (B) Have a bachelor's degree or higher in media; or
 - (C) Have completed 18 credit hours of graduate degree coursework applicable to a media coordinator EPP.
- (2) To clear a provisional media coordinator license, the applicant must complete a media coordinator EPP and satisfy any applicable licensure examination requirements.

(g) Assistant Principal Provisional License

- (1) To qualify for a provisional assistant principal license, the applicant must be employed by a local board of education and meet one of the following criteria:
 - (A) The local board has determined that there is a shortage of persons who hold or are qualified to hold a principal license, and the applicant enrolls in an administrator preparation program ("APP") by the end of the first year of the provisional license.
 - (B) The applicant is enrolled in an APP and is participating in an internship required by the APP.
- (2) A provisional assistant principal license is valid for one year and may be renewed twice. The applicant must complete the APP and satisfy any applicable licensure examination requirements by the end of the third year of the provisional license.

- (3) A provisional assistant principal license shall entitle the licensee to serve only as an assistant principal, not a principal.
- (h) Curriculum and Instructional Specialist Provisional License
 - (1) To qualify for a provisional curriculum and instructional specialist license, the applicant must hold an M-Level teacher license and have at least five years of teaching experience in the content area in which the applicant is serving as a specialist.
 - (2) To clear a provisional curriculum and instructional specialist license, the applicant must complete a curriculum and instructional specialist EPP and satisfy any applicable licensure examination requirements.
- (i) Exceptional Children Program Administrator Provisional License
 - (1) To qualify for a provisional exceptional children program administrator license, the applicant must hold one of the following:
 - (A) M-Level teacher license in an Exceptional Children area;
 - (B) Curriculum and instructional specialist license;
 - (C) Principal license;
 - (D) Superintendent license; or
 - (E) School psychologist license.
 - (2) To clear a provisional exceptional children program administrator license, the applicant must satisfy the requirements of 16 NCAC 06C .0305(d).

History Note: Authority G.S. 115C-12(9); 115C-154; 115C-270.1; 115C-270.5; 115C-270.20; 115C-284; 115C-284.1; Eff. July 1, 1986; Amended Eff. August 1, 2000; Readopted Eff. July 1, 2026.

16 NCAC 06C .0313 LICENSE ENDORSEMENTS

- (a) An applicant may request an endorsement to a teacher license if the applicant has passed a minimum of 18 credit hours at an institution of higher education in one of the following content areas:
 - (1) Psychology.
 - (2) Journalism.
 - (3) K-12 Computer Education.
- (b) An endorsement may only be added to an IPL or CPL.
- (c) A licensee who is issued an endorsement in any of these content areas may teach that content area full-time.

History Note: G.S. 115C-12(9); 115C-270. 5; 115C-270.20; Filed as a Temporary Adoption Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Authority 1995 S.L., c. 373, s. 3; Eff. June 1, 1996; Amended Eff. August 1, 2000; Readopted Eff. July 1, 2026.

16 NCAC 06C .0334 LICENSE APPLICATION

- (a) Any applicant for a professional educator license shall complete an application that includes the following information and credentials for the applicant:
 - (1) Full Legal Name.
 - (2) United States Social Security Number.
 - (3) Date of Birth.
 - (4) Physical Mailing Address.
 - (5) Telephone Number.
 - (6) Personal Email Address.
 - (7) Educational credentials, including:
 - (A) Official transcripts for any degree obtained from an IHE or EPP; and
 - (B) Documentation, signed by an official authorized by the EPP to provide such information, verifying that the applicant has completed an EPP for the classification of license sought by the applicant.
 - (8) A statement and supporting documentation disclosing the following information:
 - (A) Any prior suspension or revocation of a professional certificate or license issued by an occupational licensing board in North Carolina or any other state; and
 - (B) Any criminal history not previously expunged in accordance with Chapter 15A, Article 5 of the General Statutes, including pending or dismissed charges; deferred prosecution agreements or similar prosecutorial agreements, the terms of which have not yet been fulfilled by the applicant; and convictions, as defined in 16 NCAC 06C .0601(2).
 - (9) Proof of any current and valid educator license or certificate issued by another state, if applicable.
 - (10) Proof of certification by the National Board for Professional Teaching Standards, if applicable.
 - (11) If the applicant is seeking experience credit for prior work experience, documentation that the applicant meets the applicable requirements in 16 NCAC 06C .0364, .0365, .0366, .0367, or .0368.
 - (12) Documentation of performance on any applicable licensure examination requirements.
- (b) The applicant shall pay the applicable application fee as defined in 16 NCAC 06C .0371.

History Note: Authority G.S. 115C-12; 115C-270.5; 115C-270.20; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0336 INITIAL PROFESSIONAL LICENSE

(a) To qualify for an initial professional educator license, an applicant must either:

- (1) Have completed a recognized EPP in North Carolina and be recommended by the EPP for the requested license;
- (2) Have completed an EPP based outside of North Carolina; or
- (3) Hold a clear license or its equivalent issued by a jurisdiction outside of North Carolina and have fewer than three years of licensed teaching experience in that jurisdiction.

(b) The governing body of a public school unit may request an IPL for an applicant under its employment if the applicant has completed all academic requirements, field experience, clinical experience, and other requirements for a recognized EPP in North Carolina but has not satisfied the applicable licensure examination requirements. Under these circumstances, the recommendation of the EPP is not required.

(c) An IPL shall entitle the licensee to practice as an independent professional educator in North Carolina.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-295; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0337 CONTINUING PROFESSIONAL LICENSE

(a) To qualify for a continuing professional teacher license, an applicant must:

- (1) Hold an initial professional educator license or residency license in North Carolina;
- (2) Satisfy the applicable licensure examination requirements before or during the third year of licensure, provided that the applicant must attempt the examinations at least once during the first year of licensure if the applicant did not satisfy the examination requirements before receiving an IPL;
- (3) Have at least three years of licensed teaching experience; and
- (4) Have completed a Beginning Teacher Support Program, as provided in 16 NCAC 06C .0381, unless the applicant either:
 - (A) Has at least three years of licensed teaching experience outside of North Carolina; or
 - (B) Previously held a CPL that reverted to an IPL in accordance with 16 NCAC 06C .0360(c).

(b) To qualify for a continuing professional administrator or student services personnel license, an applicant must:

- (1) Satisfy the applicable licensure examination requirements before or during the third year of licensure, provided that the applicant must attempt the examinations at least once during the first year of licensure if the applicant did not

satisfy the examination requirements before receiving an IPL; and

- (2) Meet other requirements for the license provided by Rule .0305 or .0306 of this Section.

(c) To qualify for a CPL based on possession of a clear license in another jurisdiction, an applicant must meet the requirements of 16 NCAC 06C .0344(c).

(d) A CPL shall entitle the licensee to practice as an independent professional educator in North Carolina.

(e) A CPL shall remain in effect for five years after the licensee retires from full-time employment as a professional educator.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20; 115C-295; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0338 RESIDENCY LICENSE

(a) The governing body of a public school unit or an eligible nonpublic school may request a residency license for an applicant under its employment if the applicant meets the requirements of G.S. 115C-270.20(a)(5) and has either:

- (1) Completed at least 24 hours of coursework in the content area for which the license is sought; or
- (2) Passed the applicable licensure examination requirements for that content area.

For purposes of this Rule, an "eligible nonpublic school" is defined in G.S. 115C-270.20(a)(5)a.2.

(b) A person who holds or previously held a residency license shall not be eligible for a permit to teach or an emergency license.

(c) A person who previously held a lateral entry license issued by the SBE under G.S. 115C-297 (repealed by S.L. 2017-189) but did not convert that license to a CPL prior to its expiration shall qualify for a residency license in the same license area if the person:

- (1) Meets the requirements of G.S. 115C-270.20(a)(5); and
- (2) Has passed the applicable licensure examination requirements for that content area.

(d) To renew a residency license, the PSU governing body or eligible nonpublic school employing the applicant shall provide documentation to the SBE that the applicant:

- (1) Is enrolled in a recognized educator preparation program;
- (2) Is employed as a teacher in the public school unit or eligible nonpublic school;
- (3) Acquired at least six months of teaching experience during the preceding school year; and
- (4) Completed 10 days of professional development, as described in Rule .0339 of this Section, in the first year of the residency license.

(e) If an applicant fails to renew a residency license for the second or third year, the residency license shall expire. A PSU governing body or eligible nonpublic school that hires the applicant within three years of the effective date of the initial residency license may request that the SBE reinstate the license, provided that the

license has not already been renewed twice and the PSU or eligible nonpublic school employing the applicant provides documentation that the applicant is employed by the PSU governing body or eligible nonpublic school employing and enrolled in a recognized educator preparation program.

(f) To convert a residency license to an IPL or a CPL, the applicant shall:

- (1) Meet the requirements for an IPL in Rule .0336 or a CPL in Rule .0337 of this Section; and
- (2) Be recommended by the EPP that prepared the licensee.

If the applicant satisfies the above requirements by June 30 of the third year of the residency license, the IPL or CPL shall be effective July 1 of the next fiscal year. If the applicant fails to satisfy the requirements by this date, the residency license shall expire and the IPL or CPL shall be effective on the date the applicant satisfies the requirements.

(g) The governing body of a public school unit or eligible nonpublic school employing the applicant may request a residency license in an additional license area for an applicant under its employment if the applicant holds a clear license in another license area, provided that the applicant meets the requirements of G.S. 115C-270.20(a)(5) for each of the requested areas.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.25; 115C-295; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0339 RESIDENCY LICENSE PROFESSIONAL DEVELOPMENT REQUIREMENTS

(a) A public school unit that employs a teacher holding a residency license shall, within the teacher's first year on the license, provide the teacher with at least three hours of field experience before the teacher begins teaching in the classroom and at least 10 hours of field experience over the course of the year. The field experience requirement can be fulfilled while the teacher holds a permit to teach or an emergency license in advance of the first year of the residency license.

(b) For purposes of this rule, "field experience" means opportunities to observe, practice, and demonstrate knowledge and skills in a classroom setting in the presence of students. Field experience may include experience prior to clinical residency, as defined in G.S. 115C-269.1(8).

(c) The PSU shall provide the teacher with 10 days of professional development, within the teacher's first year on the license, that includes training on the following topics:

- (1) The mission statement, policies, and procedures of the PSU.
- (2) The mission and policies of the State Board of Education.
- (3) Services and professional development opportunities available to the teacher.
- (4) The process for obtaining a CPL.
- (5) The guidelines for optimal working conditions for all beginning teachers developed by the State Board of Education in accordance with G.S. 115C-300.1(b).

- (6) EVAAS.
- (7) The North Carolina Standard Course of Study, including end-of-grade and end-of-course testing requirements.
- (8) The PSU curriculum.
- (9) Lesson planning.
- (10) Classroom structure and organization designed to maximize student learning.
- (11) Classroom management, including:
 - (A) Positive management of student behavior;
 - (B) Effective communication for defusing and de-escalating disruptive or dangerous behavior; and
 - (C) Safe, appropriate, and legal use of seclusion and restraint.
- (12) Identification and education of children with disabilities.

(d) The PSU may, in the alternative, satisfy the professional development requirements of Paragraph (c) by requiring the teacher to complete the following:

- (1) The North Carolina Effective Teacher Training;
- (2) Training on evidence-based practices as defined in 20 U.S.C. 7801(21)(A);
- (3) Training on the Whole School, Whole Community, Whole Child Framework promulgated by the United States Centers for Disease Control and Prevention;
- (4) Training on positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive and dangerous behavior; and
- (5) Enrollment in any other training for classroom teachers required by the General Statutes or State Board of Education rules, such as the Science of Reading.

For teachers holding a residency license, emergency license, or permit to teach, the PSU shall provide at least eight hours of training in Subparagraphs (d)(2) through (d)(5) of this Rule before the teacher begins teaching in the classroom.

(e) The PSU may provide all 10 days of professional development pursuant to Paragraphs (c) or (d) of this Rule during the preservice period before the teacher begins teaching in the classroom or may provide five days of professional development during the preservice period with the remaining five days taking place throughout the teacher's first year on the residency license.

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-270.5; 115C-270.20; 115C-300.1; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0340 LIMITED LICENSE

(a) The governing body of a public school unit may request a limited license for an applicant under its employment if the applicant meets the requirements of G.S. 115C-270.20(a)(4a). A limited license may only be issued for teaching license areas, not for administrator or student services personnel license areas.

(b) A person who previously held a lateral entry license issued by the SBE under G.S. 115C-297 (repealed by S.L. 2017-189) and satisfies all the requirements for an IPL or a CPL except that the person has not passed the licensure examination requirements for that license area shall qualify for a limited license if:

- (1) The person is currently employed by the PSU governing body; and
- (2) The PSU governing body submits to the SBE an affidavit, signed by the local superintendent (or equivalent chief executive officer) and the principal of the applicant's school, stating that the person is currently employed by the PSU governing body, the applicant is an effective teacher, and the PSU governing body will encourage the applicant to pursue and IPL or CPL.

(c) To renew a limited license, the PSU governing body employing the licensee shall submit to the SBE an affidavit, signed by the licensee's supervising principal and the local superintendent (or equivalent chief executive officer), attesting to the following:

- (1) The licensee is currently employed by the PSU governing body.
- (2) The licensee is an effective teacher.
- (3) The PSU will encourage the licensee to pursue a CPL.

(d) To renew a limited license, the licensee shall demonstrate that the licensee meets or exceeds expected growth, as measured by EVAAS, based on such data that is available at the time application. If a licensee has more than one year of growth data, the SBE shall take the average of growth data to determine whether the licensee met or exceeded expected growth. Data shall be limited to the years since the limited license was first issued or its most recent prior renewal. The SBE shall not consider EVAAS data from the 2019-2020 or 2020-2021 school year when considering a request to renew a limited license.

(e) Except for military servicemembers and spouses covered by 16 NCAC 06C .0350, a person holding a limited license may not transfer that limited license from one PSU to another.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20; 115C-30; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021; Amended Eff. July 1, 2026.

16 NCAC 06C .0341 PERMIT TO TEACH

(a) The governing body of a public school unit may request a permit to teach for an applicant under its employment if the applicant:

- (1) Holds at least a bachelor's degree; and
- (2) Has never been issued any other North Carolina professional educator license.

(b) A permit to teach shall be valid until June 30 of the fiscal year for which it was requested. A permit to teach cannot be extended or renewed.

(c) For the purpose of certification for pay on the State Salary Schedule, a permit to teach shall be issued at the same level as that of a person who holds a bachelor's degree (A-Level) teacher

license with zero years of experience, regardless of the applicant's education level or prior work experience.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021; Amended Eff. July 1, 2026.

16 NCAC 06C .0342 EMERGENCY LICENSE

(a) The governing body of a public school unit may request an emergency license for an applicant under its employment if the applicant:

- (1) Holds at least a bachelor's degree that includes at least 18 credit hours of coursework relevant to the licensure area for which the applicant has been hired to teach;
- (2) Has not completed a recognized educator preparation program in that licensure area; and
- (3) Does not qualify for a residency license.

(b) A person who holds or previously held a residency license shall not be eligible for an emergency license in the same license area.

(c) An emergency license shall be valid until June 30 of the fiscal year for which it was requested. An Emergency License cannot be extended or renewed.

(d) For the purpose of certification for pay on the State Salary Schedule, an emergency license shall be issued at the same level as that of a person who holds a bachelor's degree (A-Level) teacher license, but the applicant may qualify for graduate degree pay under 16 NCAC 06C .0369 or experience credit under 16 NCAC 06C .0364-.0367.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0344 OUT-OF-STATE APPLICANTS

(a) An out-of-state applicant with fewer than three years of licensed professional educator experience may qualify for an initial professional license. To qualify for an IPL, the applicant must either:

- (1) Hold a license in the corresponding license areas in a jurisdiction outside of North Carolina; or
- (2) Have completed an educator preparation program recognized by the jurisdiction in which the EPP has its principal place of business.

(b) An out-of-state applicant who qualifies for an IPL in either Elementary Education or Special Education: General Curriculum must satisfy the applicable North Carolina licensure examination requirements by the end of the third year of licensure, regardless of whether the applicant passed an out-of-state exam in those areas. An out-of-state applicant who qualifies for an IPL in any other license area must either:

- (1) Achieve a passing score on an out-of-state exam for that license area in the examining jurisdiction; or
 - (2) Satisfy the applicable North Carolina licensure examination requirements before or during the third year of licensure, provided that the applicant attempted the examinations at least once during the first year of licensure.
- (c) An out-of-state applicant with more than three years of licensed professional educator experience may qualify for a continuing professional license. To qualify for an CPL, the applicant must meet both of the following criteria:
- (1) The applicant holds a clear license issued under the licensing authority of a jurisdiction other than North Carolina. For purposes of this Rule, a "clear license" means a professional educator license or its equivalent that:
 - (A) Is in good standing with the licensing authority that issued the license;
 - (B) Is renewable by the licensing authority that issued the license;
 - (C) Has not been revoked or had discipline imposed by the other jurisdiction;
 - (D) Does not have an investigation relating to unprofessional conduct pending in any state relating to the license; and
 - (E) Has not been voluntarily surrendered while under investigation for unprofessional conduct in any state.
 - (2) The applicant holds a certification from the National Board for Professional Teaching Standards or the licensure requirements of the other jurisdiction are substantially similar to those in North Carolina. For purposes of this Rule, "substantially similar" means that the other jurisdiction required the applicant to, at minimum:
 - (A) Complete an educator preparation program recognized by the state in which the EPP is located; and
 - (B) Achieve a passing score on an out-of-state exam in the other jurisdiction. The applicant must achieve a passing score on the applicable exam for each license area which licensure is sought under 16 NCAC 06C .0304(c).
- (d) To meet the qualifications for either an IPL or CPL based on achieving a passing score on an out-of-state exam, the applicant must present evidence of the exam results at the time of initial application for a license in North Carolina.
- (e) An out-of-state applicant who qualifies for a teacher license under either Paragraph (a) or (c) may request to add an additional teaching license area to that license based solely on achieving a passing score on an out-of-state exam in that license area in the other jurisdiction, provided the applicant submits evidence of the exam results at the time of initial application for a North Carolina license. If the out-of-state applicant seeks to add an additional teaching license area after being issued a North Carolina license,

the applicant must follow the requirements of 16 NCAC 06C .0307.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.25; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021; Amended Eff. July 1, 2026.

16 NCAC 06C .0346 INTERNATIONAL FACULTY LICENSE

(a) A foreign national who does not meet the requirements for any other license issued by the State Board of Education may qualify for an international faculty license. To qualify for an international faculty license, an applicant must:

- (1) Hold a J-1 cultural exchange visa issued by the United States Department of State; and
- (2) Be supported by a sponsor, as defined in 22 C.F.R. 62.2, that has been approved by the SBE in accordance with G.S. 115C-105.25(5a).

(b) An international faculty license shall only be issued at the request of the applicant's sponsor.

(c) An international faculty license cannot be renewed but may be extended for two years at the request of the applicant's sponsor and the governing body of a public school unit employing the licensee, provided the applicant continues to hold an active J-1 visa issued by the United States Department of State.

(d) For the purpose of certification for pay on the State Salary Schedule, an international faculty license shall be issued at the same level as that of person who holds a bachelor's degree (A-Level) teacher license with zero years of experience, regardless of the applicant's education level or prior work experience. The licensee may accumulate years of teaching experience in a PSU on an international faculty license for purposes of the State Salary Schedule.

(e) An international faculty license cannot be converted to any other type of license until the international faculty license has expired.

History Note: Authority G.S. 115C-12(9); 115C-105.25; 115C-270.5; 115C-270.20; 22 C.F.R. 62.2; 22 C.F.R. 62.24; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021; Amended Eff. July 1, 2026.

16 NCAC 06C .0349 LIFETIME LICENSE

(a) An applicant may request that the State Board of Education convert a continuing professional license to a lifetime license if the applicant holds a current CPL and has either:

- (1) 30 or more years of creditable service with the North Carolina Teachers' and State Employees' Retirement System; or
- (2) 30 or more years of combined experience as a licensed teacher, administrator, or student services personnel employed in one or more North Carolina PSUs.

(b) An applicant for a lifetime license is not required to complete continuing education credits for the renewal period immediately preceding the date upon which the SBE converts the CPL to a

lifetime license, provided the applicant meets all other qualifications for the lifetime license. Nothing in this Paragraph shall be construed to prohibit a PSU from requiring the holder of a lifetime license to complete continuing education or other professional development activities as a condition of employment.

(c) A lifetime license shall remain effective for the duration of the licensee's natural life unless the license is suspended or revoked in accordance with Section .0600 of this Subchapter.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20; Eff. October 1, 2020; Amended Eff. July 1, 2026.

16 NCAC 06C .0350 SPECIAL LICENSE PROVISIONS FOR ACTIVE-DUTY SERVICEMEMBERS AND SPOUSES

(a) For purposes of this Rule, the following definitions apply:

- (1) "Active duty" is defined in 10 U.S.C. 101(d)(1).
- (2) "Armed forces" is defined in 10 U.S.C. 101(a)(4).
- (3) "Covered license" means a professional educator license or its equivalent that:
 - (A) Is in good standing with the licensing authority that issued the license;
 - (B) Has not been revoked or had discipline imposed by any jurisdiction;
 - (C) Does not have an investigation relating to unprofessional conduct pending in any jurisdiction relating to the license; and
 - (D) Has not been voluntarily surrendered while under investigation for unprofessional Conduct in any jurisdiction.
- (4) "Military orders" is defined in 50 U.S.C. 3955(i)(1).
- (5) "Military service" is defined in 50 U.S.C. 3911(2).
- (6) "Servicemember" is defined in 50 U.S.C. 3911(1).

(b) The provisions of 10 U.S.C. 101 and Chapter 50 of Title 50 of the United States Code are incorporated by reference throughout this Rule, including subsequent amendments and editions thereof. A copy of these statutes is available at no cost from <https://www.govinfo.gov/app/details/USCODE-2024-title10/USCODE-2024-title10-subtitleA-partI-chap1-sec101> and <https://www.govinfo.gov/app/details/USCODE-2015-title50/USCODE-2015-title50-chap50>.

(c) To be employed by a public school unit in any position requiring a license issued by the State Board of Education and be certified for pay on the State Salary Schedule, an active duty servicemember whose assigned duty station is in North Carolina, or the spouse of the servicemember, must either:

- (1) Qualify and apply for a North Carolina license in accordance with this Section; or
- (2) Obtain recognition of a covered license in accordance with the Veteran Auto and

Education Improvement Act of 2022, Pub. L. No. 117-332, 136 Stat. 6119.

(d) If a servicemember or the spouse of a servicemember holds a covered license in another jurisdiction and relocates to North Carolina because the servicemember receives military orders for military service in North Carolina, the covered license shall be recognized in North Carolina for the license areas covered by the license. To obtain recognition, the servicemember or spouse shall submit an application that includes:

- (1) Proof of the relevant military orders.
- (2) If the applicant is the spouse of a servicemember, a copy of the marriage certificate.
- (3) A notarized affidavit affirming, under penalty of law, that:
 - (A) The applicant is the person described and identified in the application;
 - (B) All statements made in the application are true and correct and complete;
 - (C) The applicant has read and understands the requirements to receive a professional educator license in North Carolina and the license areas in which they are entitled to practice under this Rule;
 - (D) The applicant certifies that the applicant meets and shall comply with the requirements in Part (d)(3)(C) of this Rule; and
 - (E) The applicant is in good standing in all States in which the applicant holds or has held a license.

(e) The State Board of Education shall continue to recognize the out-of-state license until the expiration of the military orders or June 30 of the fiscal year in which the orders expire, whichever is later. To continue working as a licensed professional educator after such date, the servicemember or spouse must qualify and apply for a North Carolina professional educator license under this Section.

(f) Notwithstanding any other rule to the contrary, if a servicemember or the spouse of a servicemember submits out-of-state exam scores as part of an application for a North Carolina license, those scores need not be from the same jurisdiction in which the applicant completed an EPP or APP.

(g) If a servicemember is called to active duty or issued military orders to relocate to a jurisdiction outside of North Carolina during a time that the servicemember or the spouse of the servicemember is pursuing a residency license under 16 NCAC 06C .0338 , the three-year timeframe for completing an EPP and fulfilling other requirements to obtain an IPL or CPL shall be held in abeyance until the servicemember returns to North Carolina and the servicemember or spouse returns to employment in a North Carolina public school.

(h) Notwithstanding G.S. 115C-270.20(4a), if a servicemember or the spouse of a servicemember who holds a limited license and is employed by a local board of education relocates to another part of North Carolina pursuant to military orders and obtains employment with a different local board of education, the limited license shall remain valid for the new employment assignment.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 10 U.S.C. 101; 50 U.S.C. 3911; 50 U.S.C. 3955; 50 U.S.C. 4025a;
Eff. October 1, 2020;
Amended Eff. July 1, 2026.

16 NCAC 06C .0354 EVIDENCE OF TEACHER EFFECTIVENESS FOR AN OUT-OF-STATE APPLICANT SEEKING A CONTINUING PROFESSIONAL LICENSE

16 NCAC 06C .0355 LICENSURE TESTING REQUIREMENTS FOR OUT-OF-STATE APPLICANTS WITH FEWER THAN THREE YEARS OF TEACHING EXPERIENCE

16 NCAC 06C .0357 REQUIREMENTS TO BE ISSUED AN INTERNATIONAL FACULTY LICENSE

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;
Eff. October 1, 2020;
Repealed Eff. July 1, 2026.

16 NCAC 06C .0357 REQUIREMENTS TO BE ISSUED AN INTERNATIONAL FACULTY LICENSE

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020;
Repealed Eff. July 1, 2026.

16 NCAC 06C .0360 LICENSE RENEWAL FOR TEACHERS

(a) Each teacher holding a CPL must renew that license every five years.

- (1) Teachers in Pre-Kindergarten through Grade 5 must complete eight CEUs during each renewal cycle consisting of the following:
 - (A) Three CEUs in the teacher's license area, consistent with 16 NCAC 06C .0385(3) and (4).
 - (B) Three CEUs related to literacy, as described in G.S. 115C-270.30(b)(2).
 - (C) Two general CEUs that are germane to the K-12 educational environment.
- (2) Teachers in Grades 6 through 12 must complete eight CEUs during each renewal cycle consisting of the following:
 - (A) Four CEUs in the teacher's license area, consistent with 16 NCAC 06C .0385(3) and (4).
 - (B) Four general CEUs that are germane to the K-12 educational environment.

(b) Each teacher shall maintain a professional development plan and participate in professional development activities aligned with the North Carolina Professional Teaching Standards, codified at 16 NCAC 06C .0385. Teachers employed by a local board of education must have evidence of a rating of at least "proficient" on the teacher's most recent annual evaluation in

NCEES to renew a CPL. For purposes of this Rule, "proficient" shall be defined as achieving a rating of "Proficient" or higher on three of the five North Carolina Professional Teaching Standards as measured by the teacher's annual evaluation, including a rating of "Proficient" on Standard 4.

(c) Notwithstanding Paragraph (b) of this Rule, if a teacher employed by a local board of education possesses a current CPL, is in the final year of a renewal cycle, and was not deemed proficient on the teacher's most recent annual evaluation, the local school administrative unit ("LSAU") may place the teacher on a mandatory improvement plan in accordance with G.S. 115C-333.1(b) so that the teacher can renew the teacher's license.

- (1) If the LSAU places the teacher on a mandatory improvement plan and the teacher otherwise meets the requirements for licensure, the State Board of Education shall issue the teacher an IPL.
- (2) The term of the mandatory improvement plan shall be 90 instructional days for teachers in schools that are identified as low performing under G.S. 115C-105.37 and 60 instructional days for teachers in all other schools.
- (3) At the conclusion of the three-year term of the IPL, the teacher may apply for a CPL if the teacher meets the requirements of this Rule, including completion of the required CEUs. The LSAU may require additional continuing education of the teacher in accordance with the deficiencies demonstrated on the teacher's annual evaluation.
- (4) If a teacher meets the criteria in Paragraph (a) of this Rule but is not placed on a mandatory improvement plan by the employing LSAU, the teacher's license shall expire at the end of the renewal cycle. A teacher whose license expires under these circumstances shall be eligible to apply for an IPL 30 days after receipt of notice of expiration from the State Board of Education.
- (5) The reversion of a teacher's license from a CPL to an IPL shall not be construed as a demotion in rank or result in a reduction of the teacher's salary.

(d) A member of the General Assembly shall be exempt from the continuing education requirements provided by this rule during any renewal cycle in which the member serves a term or some portion thereof in the General Assembly, so long as the member notifies the Department of Public Instruction of the exemption during that renewal cycle.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-333.1;
Eff. October 1, 2020;
Amended Eff. July 1, 2026.

16 NCAC 06C .0361 LICENSE RENEWAL FOR STUDENT SERVICES PERSONNEL

(a) Each person holding a student services personnel license must renew that license every five years.

(b) Student services personnel must complete eight CEUs during each renewal cycle consisting of the following:

- (1) Four CEUs that align with the North Carolina standards for the relevant professional discipline.
- (2) Four general CEUs that are germane to the K-12 educational environment.

(c) A person serving as a school audiologist or school speech-language pathologist shall be exempt from the continuing education requirements of Paragraph (b) of this Rule so long as the licensee continues to satisfy the requirements of 16 NCAC 06C .0306(g) or 06C .0306(h), respectively.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-333; 115C-333.1;

Eff. October 1, 2020;

Amended Eff. July 1, 2026.

16 NCAC 06C .0362 LICENSE RENEWAL FOR ADMINISTRATORS

(a) Each person holding an administrator license must renew that license every five years.

(b) Administrators must complete eight CEUs during each renewal cycle consisting of the following:

- (1) Four CEUs focused on the administrator's leadership role in instruction, human resources, and management.
- (2) Four general CEUs that are germane to the K-12 educational environment.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-284;

Emergency Adoption Eff. August 20, 2019;

Eff. March 17, 2021;

Amended Eff. July 1, 2026.

16 NCAC 06C .0363 GENERAL LICENSE RENEWAL REQUIREMENTS

(a) A professional educator may receive CEUs through any of the following means:

- (1) College or university credit.
- (2) Professional development programs.
- (3) A teacher who receives certification from the National Board for Professional Teaching Standards ("National Board Certification") shall receive credit for all eight CEUs for the renewal cycle in which the teacher receives the certification. A teacher who renews a National Board Certification shall receive credit for two CEUs for the renewal cycle in which the teacher renews the certification.

(b) The governing body of a public school unit may request that the State Board of Education validate an expired CPL issued to an applicant under the employment of the PSU governing body, even if the educator does not have the requisite CEUs, provided that the educator was not employed by any PSU during the preceding fiscal year. A validated CPL shall be effective for three years, and the educator must complete the relevant renewal requirements in

this Section by the end of the third year to renew the CPL for a new five-year renewal cycle.

(c) Hours spent attending mandatory training programs shall contribute toward the calculation of continuing education credits for a professional educator if:

- (1) The mandatory training program is required by State law or by a local board of education as a condition of employment; and
- (2) The professional educator has otherwise met the renewal requirements for the type of license being renewed in accordance with Rules .0360, .0361, or .0362 of this Section.

(d) Each PSU shall adopt policies and procedures for ensuring that the activities completed for renewal credit by licensed professional educators in its employment meet the criteria set forth in this Section and are appropriate for each individual educator. In determining the appropriateness of the activity, the PSU shall consider the following:

- (1) Direct relationship between the activity and the educator's work responsibilities;
- (2) Any school improvement plan in effect for the educator's assigned school, if applicable; and
- (3) Strategic priorities of the State Board of Education.

(e) Nothing in this Section shall preclude a PSU or its governing body from establishing additional continuing education requirements for its employees based on local needs and in accordance with local policies, rules, and regulations.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30;

Emergency Adoption Eff. August 20, 2019;

Eff. March 17, 2021;

Amended Eff. July 1, 2026.

16 NCAC 06C .0610 CRIMINAL HISTORY CHECKS

(a) When reporting the results of criminal history checks to the State Board of Education under G.S. 115C-332(e), a local board of education shall follow the reporting requirements set forth in 16 NCAC 06C .0608.

(b) If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks consistent with G.S. 115C-332, the board of directors of the charter school shall report the results of a criminal history check for a licensed professional educator under its employment to the State Board of Education in accordance with 16 NCAC 06C .0608.

History Note: Authority G.S. 115C-12(18); 115C-218.90; 115C-270.35; 115C-332; 115C-326.20;

Eff. July 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 42 - OPTOMETRY

21 NCAC 42B .0107 NATIONAL BOARD EXAMINATIONS

(a) Each applicant shall direct the National Board of Examiners in Optometry (NBEO) to release his or her official score report to the Board as evidence of having achieved a passing score as determined by the NBEO on:

- (1) Parts I and II of the National Board of Examiners in Optometry (NBEO) Examinations as offered in the calendar year the applicant graduated from an accredited school or college of optometry;
(2) NBEO's Treatment and Management of Ocular Disease Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry;
(3) Part III of the NBEO's Clinical Skills Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry;
(4) Part III of the NBEO's Patient Encounters Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry; and
(5) NBEO's Injection Skills Examination.

(b) The applicant shall authorize the release of his or her official NBEO score report to the Board prior to the approval by the Board of his or her application to take the North Carolina Clinical Practicum Examination.

History Note: Authority G.S. 90-117.5; 90-118; Eff. February 1, 1976; Readopted Eff. May 30, 1978; Amended Eff. June 1, 2014; April 1, 2011; July 1, 1998; May 1, 1995; April 1, 1993; June 1, 1989; September 30, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015; Amended Eff. May 1, 2026; July 1, 2023.

CHAPTER 56 - ENGINEERS AND SURVEYORS

21 NCAC 56 .1602 SURVEYING PROCEDURES

(a) A Professional Land Surveyor shall spend the necessary time and effort to make investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed. Points may be placed on the line from closed or verified traverses and the necessary investigations made from these points. If these investigations are not made, then the surveyor shall not certify to an actual survey of that line and the plat shall contain the appropriate qualifications in accordance with the rules in this Section.

(b) Any and all visible or determined encroachments or easements on the property being surveyed shall be accurately located and indicated.

(c) With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat

upon which the survey is being based (the survey reference deed or plat).

(d) Except as provided in Paragraph (e) of the Rule, metal stakes or materials of comparable permanence shall be placed at all corners of the property.

(e) Where a corner falls in a right-of-way, tree, stream, or on a fence post, boulder, stone, or similar object, one or more monuments or metal stakes shall be placed in the boundary so that the inaccessible point may be located accurately on the ground and the map.

(f) The results of a survey shall be provided to the user of that survey as either a map or a report of survey. The results may be presented in written or graphic form. In either case, the survey shall be factual and understandable to the anticipated user of the map or report. All reference sources shall be identified. Artificial monuments called for in such reports shall be described as having been found in place or set by the surveyor. When no monument is found or set for points described in Paragraph (e) of this Rule, that fact shall be noted.

(g) Tie lines and grid control defined. Where the results of a survey are reported in the form of a plat or a written description, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey, where such monument is within 2000 feet of the subject property, right-of-way, easement or other surveyed entity (i.e., "grid control"). Where the North Carolina grid system coordinates of said monument are on file in the Department of Public Safety, Emergency Management, Geodetic Survey office, the coordinates of both the referenced corner or point and the monument(s) shall be shown in X (easting) and Y (northing) coordinates on the plat or in the written description or document. The coordinates shall be identified as based on "NAD 83," indicating North American Datum of 1983 or as "NAD 27," indicating North American Datum of 1927. The datums of the National Geodetic Survey (NGS) are incorporated by reference including subsequent amendments and editions, and may be accessed free of charge at www.ngs.noaa.gov. The tie lines to the monuments shall be sufficient to establish true north or grid north bearings for the plat or description if the monuments exist in pairs. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of bearing consistency with previously recorded plats, existing bearing control may be used where practical. In the absence of grid control, other natural or artificial monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(h) Whenever area is computed and included on a plat, written description, or other document, the surveyor shall state on the plat, description, or document the method used to compute the area. Area computations by estimation, by planimeter, by scale, or by copying from another source are not acceptable methods, except in the case of tracts containing inaccessible areas.

History Note: Authority G.S. 89C-10; 89C-20; Eff. July 1, 1989;

APPROVED RULES

Amended Eff. August 1, 2014; August 1, 2012 (see S.L. 2012-143, s.1.(f)); September 1, 2011; May 1, 2009; August 1, 2000; August 1, 1998; February 1, 1996;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. May 1, 2026; August 1, 2025.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on April 28th, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Bill Nelson (2nd Vice-Chair)
Jeanette Doran
John Hahn
Jeff Hyde
Wyatt Dixon, III

Appointed by House

Jake Parker (Chair)
Paul Powell (1st Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher 984-236-1934
Travis Wiggs 984-236-1929
Christopher S. Miller 984-236-1935

RULES REVIEW COMMISSION MEETING DATES

June 25, 2026 August 27, 2026
July 30, 2026 September 29, 2026

**RULES REVIEW COMMISSION MEETING
MINUTES
April 28, 2026**

The Rules Review Commission met on Tuesday, April 28, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Jeanette Doran, John Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher and Christopher Miller were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

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

The Chair notified the Commission that the following agenda items will be taken up at the end of the meeting: Follow up matters from the Private Protective Services Board, Security Systems Licensing Board, and Permanent Rules from the Environmental Management Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the March 26, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Department of Public Safety

Prior to the review of the report from the Department of Public Safety, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the report for 14B NCAC 11 because of a potential conflict of interest.

14B NCAC 11 – The Commission approved the report as submitted by the agency.

Public Safety - State Capitol Police

Prior to the review of the report from the Public Safety - State Capitol Police, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the report for 14B NCAC 13 because of a potential conflict of interest.

14B NCAC 13 – The Commission approved the report as submitted by the agency.

Private Protective Services Board

Prior to the review of rules from the Private Protective Services Board, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning these Rules because of a potential conflict of interest.

14B NCAC 16 .0203, .0205, .0703, .0706, .0806, .0902, .0904, .0910, .0911, .1306, and 1406 were approved.

Security Systems Licensing Board

Prior to the review of rules from the Security Systems Licensing Board, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning these Rules because of a potential conflict of interest.

14B NCAC 17 .0201 and .0301 were approved.

LOG OF FILINGS (PERMANENT RULES)

Council of State

The Commission voted to extend the period of review for 06 NCAC 01 .0108, .0109, .0110, .0111, .0112, .0113, .0114; 02 .0105, .0106, .0107, .0108; 04 .0103, and .0104 until the June 25, 2026 meeting.

Child Care Commission

The Commission voted to extend the period of review for 10A NCAC 09 .2102 until the May 18, 2026 meeting.

Medical Care Commission

10A NCAC 13A .0101, .0201, .0202, .0203; 10A NCAC 13D .2001, .2101, .2102, .2103, .2104, .2105, .2106, .2107, .2108, .2109, .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2208, .2209, .2210, .2211, .2212, .2301, .2302, .2303, .2304, .2305, .2306, .2307, .2308, .2309, .2401, .2402, .2501, .2502, .2503, .2504, .2505, .2601, .2602, .2603, .2604, .2605, .2606, .2607, .2701, .2801, .2802, .2901, .2902, .3003, .3004, .3005, .3031, .3101, .3102, .3103, .3104, .3201, .3202, .3401, .3402, .3403, and .3404 were unanimously approved.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0101, .0104, .0105, .0106, and .0107 were unanimously approved.

Alcoholic Beverage Control Commission

Prior to the review of rules from the Alcoholic Beverage Control Commission, Commissioner Powell recused himself and did not participate in any discussion or vote concerning these Rules because of a potential conflict of interest.

14B NCAC 15C .0103, .0701, .0702, .0703, .0704, .0705, .0706, .0707, .0709, .0710, .0711, .0712, .0713, and .0714 were approved.

Environmental Management Commission

15A NCAC 02B .0206 and 02H .0107 were unanimously approved.

The Commission voted to object to 15A NCAC 02Q .0114, .0501, and .0507 finding that the rules did not satisfy G.S. 150B-21.9(a). Specifically, the Commission objected to the rules pursuant to G.S. 150B-21.9(a)(1) on the basis of lack of statutory authority. Commissioners Hahn, Hyde, and Loutit voted against.

Caroline Cress with the Southern Environmental Law Center, addressed the Commission.

Elly Young, with the Department of Justice and representing the agency, addressed the Commission.

Coastal Resources Commission

15A NCAC 07H .2302 was unanimously approved.

State Board of Education

Prior to the review of rules from the State Board of Education, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning these Rules because of a potential conflict of interest.

16 NCAC 06C .0102, .0202, .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0313, .0334, .0336, .0337, .0338, .0339, .0340, .0341, .0342, .0344, .0346, .0349, .0350, .0354, .0355, .0357, .0360, .0361, .0362, .0363, and .0610 were approved.

Board of Certified Public Accountant Examiners

The Commission voted to extend the period of review for 16 NCAC 06C .0102, .0202, .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0313, .0334, .0336, .0337, .0338, .0339, .0340, .0341, .0342, .0344, .0346, .0349, .0350, .0354, .0355, .0357, .0360, .0361, .0362, .0363, and .0610 until the May 28, 2026 meeting.

Board of Examiners in Optometry

21 NCAC 42B .0107 was unanimously approved.

Board of Examiners for Engineers and Surveyors

21 NCAC 56 .1602 was unanimously approved.

LOG OF FILINGS (TEMPORARY RULES)

Department of Insurance

11 NCAC 06A .0701, .0702, .0703, .0704, .0705, .0808, and .0811 were unanimously approved.

Wildlife Resources Commission

15A NCAC 10C .0425 was unanimously approved.

EXISTING RULES REVIEW

Commissioner of Agriculture and Consumer Services

02 NCAC 58 - The Commission unanimously approved the report as submitted by the agency.

Medical Care Commission

10A NCAC 13J - The Commission unanimously approved the report as submitted by the agency.

HHS - Division of Mental Health/DD/SAS

10A NCAC 27A - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27B - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27D - The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

10A NCAC 71 – The Commission unanimously approved the report as submitted by the agency.

Department of Insurance

11 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

11 NCAC 08 .0400 - .1500 - The Commission unanimously approved the report as submitted by the agency.

11 NCAC 13 – The Commission unanimously approved the report as submitted by the agency.

Code Officials Qualification Board

11 NCAC 08 .0500 - .0800 – The Commission unanimously approved the report as submitted by the agency.

Department of Environmental Quality

15A NCAC 07O – The Commission unanimously approved the report as submitted by the agency.

State Human Resources Commission

25 NCAC 01F - The Commission unanimously approved the report as submitted by the agency.

READOPTIONS

Department of Natural and Cultural Resources

07 NCAC 13H - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Medical Care Commission

10A NCAC 13B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 13C - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 13K - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 14A - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Commission for the Blind

10A NCAC 63A - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 63B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 63E - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

10A NCAC 63G - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Environmental Management Commission

15A NCAC 02A - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02D - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02Q - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Board of Refrigeration Examiners

21 NCAC 60 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

Staff gave an update on the Draft Guidance on Form Requirements for Rules that was posted on the April agenda for public comment. No comments were received. The Commission unanimously voted to approve the Guidance on Form Requirements for Rules. Staff will work with the Codifier to publish the guidance on OAH's website.

Ann Wall, with the Secretary of State, addressed the Commission.

The Chair gave an update on the CRC v. RRC litigation.

The meeting adjourned at 11:31 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 28, 2026 at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Jake Parker, Chair

April 28, 2026

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
ASHLEY COUNCIL	NC DOJ
Julie Peck	NC DCDEE
Kimberly Mallady	NC DCDEE
Sarah Zambon	NC DOJ
Emily Wiley	NC DOT
Elly Young	NC DOJ
Beth Messersmith	NC Child Care Commission
Jennifer Everett	DEQ
Jay Frank	
Kaylee Market	DPS
Margaret McDonald	DPS
Blake Thomas	OSBM
Joy Stuzickland	DJ
Robin Pendergraft	DOJ
Joe Wall	NC DOI
C. Whitehead	NC DOF
Donald K. Phillips	NC SHP
MATTHEW COLEMAN	NC SHP
Lanier McCre	OSTR
Renee Metz	ABC Commission
KEN SCHWESSELIN	PUBLIC

April 28, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Mark Swillo	Democracy Out Loud
Julie Venteloro	OSBM
Jodi Ladi	HATB
Shane Black	DHSR
Caroline Cress	Southern Environmental Law Ctr.
Grady R'ellie	NC Conservation Network
Karen Higgins	DEQ
Ann Wall	SES
Alisha Benjamin	DOT
Joyce Margulies	-
Elizabeth Pope	NCSWCLB
Wes Tripp	NCBELS
Bob Rodriguez	DOL

RULES REVIEW COMMISSION

Rules Review Commission Meeting April 28, 2026 Via Webex

Name	Agency
John Evans	EMC@deq.nc.gov
Ann Elmore	sosnc.gov
Hilary Merlin	dhhs.nc.gov
Sarah Doydora	deq.nc.gov
William Casola	ncwildlife.gov
Cheryl Johnson	dhhs.nc.gov
Dana McGhee	ic.nc.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Rebecca Ellin	deq.nc.gov
Angela Hatchell	ncdoi.gov
Nathaniel Oakley	ncwildlife.gov
Ryan Collins	dpi.nc.gov
Laura Rowe	nctreasurer.com
Aaron Vodicka	nctreasurer.com
Katherine Quinlan	deq.nc.gov
Joelle Burleson	deq.nc.gov
Angela Willis	deq.nc.gov
Anna Hayworth	ncagr.gov
Julie Eddins	oah.nc.gov
Arthur Harrell	oah.nc.gov
Catherine Blum	deq.nc.gov
Sherri Roycroft	brokerlawfirm.com
Stephanie Schweickert	ncconservationnetwork.org
Misty Piekaar	dhhs.nc.gov
Brooks Rainey	selc.org
Meghan Lock	ncdoj.gov
Smith Morgan, Rachel	NCDOJ.GOV
Johnny Loper	loper-law.com
Marilyn Smalls	abc.nc.gov
Victor Unnone III	ncdoj.gov
Helen	elpueblo.org
David Lee	dhhs.nc.gov
Sorensen, Nicholas	NCDOJ.GOV
W L Mitchell	ncdoj.gov
Bethany	ncdoj.gov
Whitney Waldenberg	brockrlawfirm.com
William B Rafferty	ncoptometry.org
Janice Peterson	ncoptometry.org
Brittany Conrad	kganc.com
Brittany Conrad	kganc.com
Tia	roboro.ai
Catherine Lee	hedrickgardner.com
Meredith K Parris	ncbon.com
Angela Ellis	ncbon.com
Beverly Speroff	dhhs.nc.gov
Nadine Pfeiffer	



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 28, 2026

Jonathan Avery, Department of Natural & Cultural Resources
Sent via email only to: Jonathan.avery@dncr.nc.gov

Re: Readoption deadline for 07 NCAC 13H

Dear Mr. Avery,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the April 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
07 NCAC 13H	September 1, 2028

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
November 20, 2025
APO Review: January 21, 2026
Natural and Cultural Resources, Department of
Total: 18

RRC Determination: Necessary with substantive public interest

07	NCAC 13H	.0103	Necessary
07	NCAC 13H	.0105	Necessary
07	NCAC 13H	.0202	Necessary
07	NCAC 13H	.0203	Necessary
07	NCAC 13H	.0205	Necessary
07	NCAC 13H	.0206	Necessary
07	NCAC 13H	.0301	Necessary
07	NCAC 13H	.0302	Necessary
07	NCAC 13H	.0303	Necessary
07	NCAC 13H	.0304	Necessary
07	NCAC 13H	.0305	Necessary
07	NCAC 13H	.0306	Necessary
07	NCAC 13H	.0307	Necessary
07	NCAC 13H	.0308	Necessary
07	NCAC 13H	.0401	Necessary
07	NCAC 13H	.0402	Necessary
07	NCAC 13H	.0403	Necessary
07	NCAC 13H	.0404	Necessary



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 28, 2026

Shanah Black

Sent via email to: Shanah.Black@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 13B, 13C, 13K

Dear Ms. Black:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **October 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
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RRC DETERMINATION
PERIODIC RULE REVIEW
OCTOBER 30, 2025
APO REVIEW: DECEMBER 31, 2025
MEDICAL CARE COMMISSION
TOTAL: 293

RRC Determination: Necessary

10A NCAC 13B .1901	10A NCAC 13B .3103	10A NCAC 13B .3706
10A NCAC 13B .1902	10A NCAC 13B .3104	10A NCAC 13B .3707
10A NCAC 13B .1903	10A NCAC 13B .3105	10A NCAC 13B .3708
10A NCAC 13B .1904	10A NCAC 13B .3106	10A NCAC 13B .3801
10A NCAC 13B .1905	10A NCAC 13B .3107	10A NCAC 13B .3802
10A NCAC 13B .1906	10A NCAC 13B .3108	10A NCAC 13B .3803
10A NCAC 13B .1907	10A NCAC 13B .3109	10A NCAC 13B .3804
10A NCAC 13B .1908	10A NCAC 13B .3110	10A NCAC 13B .3901
10A NCAC 13B .1909	10A NCAC 13B .3111	10A NCAC 13B .3902
10A NCAC 13B .1910	10A NCAC 13B .3201	10A NCAC 13B .3903
10A NCAC 13B .1911	10A NCAC 13B .3202	10A NCAC 13B .3904
10A NCAC 13B .1912	10A NCAC 13B .3203	10A NCAC 13B .3905
10A NCAC 13B .1915	10A NCAC 13B .3204	10A NCAC 13B .3906
10A NCAC 13B .1916	10A NCAC 13B .3205	10A NCAC 13B .3907
10A NCAC 13B .1917	10A NCAC 13B .3301	10A NCAC 13B .4001
10A NCAC 13B .1918	10A NCAC 13B .3302	10A NCAC 13B .4002
10A NCAC 13B .1919	10A NCAC 13B .3303	10A NCAC 13B .4003
10A NCAC 13B .1920	10A NCAC 13B .3401	10A NCAC 13B .4004
10A NCAC 13B .1921	10A NCAC 13B .3402	10A NCAC 13B .4005
10A NCAC 13B .1922	10A NCAC 13B .3405	10A NCAC 13B .4101
10A NCAC 13B .1923	10A NCAC 13B .3501	10A NCAC 13B .4102
10A NCAC 13B .1924	10A NCAC 13B .3502	10A NCAC 13B .4103
10A NCAC 13B .1925	10A NCAC 13B .3503	10A NCAC 13B .4104
10A NCAC 13B .1926	10A NCAC 13B .3601	10A NCAC 13B .4105
10A NCAC 13B .1927	10A NCAC 13B .3602	10A NCAC 13B .4106
10A NCAC 13B .1929	10A NCAC 13B .3603	10A NCAC 13B .4107
10A NCAC 13B .1930	10A NCAC 13B .3604	10A NCAC 13B .4108
10A NCAC 13B .1931	10A NCAC 13B .3605	10A NCAC 13B .4109
10A NCAC 13B .1932	10A NCAC 13B .3606	10A NCAC 13B .4110
10A NCAC 13B .2020	10A NCAC 13B .3607	10A NCAC 13B .4201
10A NCAC 13B .2033	10A NCAC 13B .3608	10A NCAC 13B .4202
10A NCAC 13B .2101	10A NCAC 13B .3609	10A NCAC 13B .4203
10A NCAC 13B .2102	10A NCAC 13B .3701	10A NCAC 13B .4204
10A NCAC 13B .3001	10A NCAC 13B .3703	10A NCAC 13B .4301
10A NCAC 13B .3101	10A NCAC 13B .3704	10A NCAC 13B .4302
10A NCAC 13B .3102	10A NCAC 13B .3705	10A NCAC 13B .4303

10A NCAC 13B .4304	10A NCAC 13B .4906	10A NCAC 13B .6207
10A NCAC 13B .4305	10A NCAC 13B .4907	10A NCAC 13B .6228
10A NCAC 13B .4306	10A NCAC 13B .5001	10A NCAC 13C .0103
10A NCAC 13B .4307	10A NCAC 13B .5002	10A NCAC 13C .0201
10A NCAC 13B .4308	10A NCAC 13B .5003	10A NCAC 13C .0202
10A NCAC 13B .4401	10A NCAC 13B .5004	10A NCAC 13C .0203
10A NCAC 13B .4402	10A NCAC 13B .5005	10A NCAC 13C .0204
10A NCAC 13B .4403	10A NCAC 13B .5101	10A NCAC 13C .0205
10A NCAC 13B .4501	10A NCAC 13B .5102	10A NCAC 13C .0206
10A NCAC 13B .4502	10A NCAC 13B .5103	10A NCAC 13C .0301
10A NCAC 13B .4503	10A NCAC 13B .5104	10A NCAC 13C .0302
10A NCAC 13B .4504	10A NCAC 13B .5105	10A NCAC 13C .0303
10A NCAC 13B .4505	10A NCAC 13B .5201	10A NCAC 13C .0304
10A NCAC 13B .4506	10A NCAC 13B .5202	10A NCAC 13C .0305
10A NCAC 13B .4507	10A NCAC 13B .5203	10A NCAC 13C .0306
10A NCAC 13B .4509	10A NCAC 13B .5204	10A NCAC 13C .0401
10A NCAC 13B .4510	10A NCAC 13B .5205	10A NCAC 13C .0402
10A NCAC 13B .4511	10A NCAC 13B .5206	10A NCAC 13C .0403
10A NCAC 13B .4512	10A NCAC 13B .5207	10A NCAC 13C .0501
10A NCAC 13B .4513	10A NCAC 13B .5301	10A NCAC 13C .0502
10A NCAC 13B .4514	10A NCAC 13B .5401	10A NCAC 13C .0503
10A NCAC 13B .4515	10A NCAC 13B .5402	10A NCAC 13C .0504
10A NCAC 13B .4516	10A NCAC 13B .5403	10A NCAC 13C .0601
10A NCAC 13B .4601	10A NCAC 13B .5404	10A NCAC 13C .0602
10A NCAC 13B .4602	10A NCAC 13B .5405	10A NCAC 13C .0701
10A NCAC 13B .4603	10A NCAC 13B .5406	10A NCAC 13C .0702
10A NCAC 13B .4604	10A NCAC 13B .5407	10A NCAC 13C .0801
10A NCAC 13B .4605	10A NCAC 13B .5408	10A NCAC 13C .0802
10A NCAC 13B .4701	10A NCAC 13B .5409	10A NCAC 13C .0901
10A NCAC 13B .4702	10A NCAC 13B .5410	10A NCAC 13C .0902
10A NCAC 13B .4703	10A NCAC 13B .5412	10A NCAC 13C .1001
10A NCAC 13B .4704	10A NCAC 13B .5413	10A NCAC 13C .1002
10A NCAC 13B .4705	10A NCAC 13B .5414	10A NCAC 13C .1101
10A NCAC 13B .4801	10A NCAC 13B .5501	10A NCAC 13C .1102
10A NCAC 13B .4802	10A NCAC 13B .5502	10A NCAC 13C .1201
10A NCAC 13B .4803	10A NCAC 13B .5503	10A NCAC 13C .1202
10A NCAC 13B .4804	10A NCAC 13B .5504	10A NCAC 13C .1301
10A NCAC 13B .4805	10A NCAC 13B .5505	10A NCAC 13C .1302
10A NCAC 13B .4806	10A NCAC 13B .5506	10A NCAC 13C .1303
10A NCAC 13B .4901	10A NCAC 13B .6003	10A NCAC 13C .1304
10A NCAC 13B .4902	10A NCAC 13B .6101	10A NCAC 13C .1305
10A NCAC 13B .4903	10A NCAC 13B .6102	10A NCAC 13C .1401
10A NCAC 13B .4904	10A NCAC 13B .6103	10A NCAC 13C .1402
10A NCAC 13B .4905	10A NCAC 13B .6105	10A NCAC 13C .1403

10A NCAC 13C .1404	10A NCAC 13K .1204
10A NCAC 13C .1411	10A NCAC 13K .1205
10A NCAC 13K .0102	10A NCAC 13K .1206
10A NCAC 13K .0201	10A NCAC 13K .1207
10A NCAC 13K .0202	10A NCAC 13K .1208
10A NCAC 13K .0206	10A NCAC 13K .1209
10A NCAC 13K .0208	10A NCAC 13K .1210
10A NCAC 13K .0209	10A NCAC 13K .1211
10A NCAC 13K .0210	10A NCAC 13K .1212
10A NCAC 13K .0301	
10A NCAC 13K .0303	
10A NCAC 13K .0401	
10A NCAC 13K .0402	
10A NCAC 13K .0501	
10A NCAC 13K .0504	
10A NCAC 13K .0505	
10A NCAC 13K .0601	
10A NCAC 13K .0604	
10A NCAC 13K .0605	
10A NCAC 13K .0701	
10A NCAC 13K .0801	
10A NCAC 13K .0802	
10A NCAC 13K .0901	
10A NCAC 13K .0902	
10A NCAC 13K .1001	
10A NCAC 13K .1101	
10A NCAC 13K .1102	
10A NCAC 13K .1103	
10A NCAC 13K .1104	
10A NCAC 13K .1105	
10A NCAC 13K .1106	
10A NCAC 13K .1107	
10A NCAC 13K .1108	
10A NCAC 13K .1109	
10A NCAC 13K .1110	
10A NCAC 13K .1111	
10A NCAC 13K .1112	
10A NCAC 13K .1113	
10A NCAC 13K .1114	
10A NCAC 13K .1115	
10A NCAC 13K .1116	
10A NCAC 13K .1201	
10A NCAC 13K .1202	
10A NCAC 13K .1203	



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 28, 2026

Shanah Black

Sent via email to: shanah.black@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 14A

Dear Ms. Black:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
RRC Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
November 20, 2025
APO Review: January 21, 2026
Medical Care Commission
Total: 5

RRC Determination: Necessary

10A	NCAC 14A	.0101	Necessary
10A	NCAC 14A	.0103	Necessary
10A	NCAC 14A	.0301	Necessary
10A	NCAC 14A	.0302	Necessary
10A	NCAC 14A	.0303	Necessary



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 28, 2026

Patricia Sikes

Sent via email to: patricia.sikes@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 63A, 63B, 63E, 63G

Dear Ms. Sikes:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
September 25, 2025
APO Review: November 26, 2025
Blind, Commission for the
Total: 110

RRC Determination: Necessary

10A NCAC 63A .0101	10A NCAC 63E .0202	10A NCAC 63F .0605
10A NCAC 63A .0201	10A NCAC 63E .0301	10A NCAC 63F .0606
10A NCAC 63B .0101	10A NCAC 63E .0401	10A NCAC 63F .0607
10A NCAC 63B .0102	10A NCAC 63E .0402	10A NCAC 63F .0608
10A NCAC 63B .0103	10A NCAC 63E .0403	10A NCAC 63F .0609
10A NCAC 63B .0104	10A NCAC 63F .0101	10A NCAC 63F .0610
10A NCAC 63B .0105	10A NCAC 63F .0102	10A NCAC 63F .0611
10A NCAC 63B .0106	10A NCAC 63F .0103	10A NCAC 63F .0612
10A NCAC 63B .0108	10A NCAC 63F .0104	10A NCAC 63F .0613
10A NCAC 63B .0201	10A NCAC 63F .0105	10A NCAC 63F .0614
10A NCAC 63C .0101	10A NCAC 63F .0106	10A NCAC 63F .0615
10A NCAC 63C .0102	10A NCAC 63F .0107	10A NCAC 63F .0616
10A NCAC 63C .0103	10A NCAC 63F .0108	10A NCAC 63F .0617
10A NCAC 63C .0104	10A NCAC 63F .0109	10A NCAC 63F .0618
10A NCAC 63C .0201	10A NCAC 63F .0111	10A NCAC 63F .0619
10A NCAC 63C .0202	10A NCAC 63F .0112	10A NCAC 63F .0620
10A NCAC 63C .0203	10A NCAC 63F .0113	10A NCAC 63F .0621
10A NCAC 63C .0204	10A NCAC 63F .0201	10A NCAC 63F .0622
10A NCAC 63C .0205	10A NCAC 63F .0202	10A NCAC 63F .0623
10A NCAC 63C .0206	10A NCAC 63F .0301	10A NCAC 63F .0624
10A NCAC 63C .0402	10A NCAC 63F .0401	10A NCAC 63F .0625
10A NCAC 63C .0403	10A NCAC 63F .0402	10A NCAC 63F .0626
10A NCAC 63C .0506	10A NCAC 63F .0403	10A NCAC 63F .0627
10A NCAC 63C .0508	10A NCAC 63F .0501	10A NCAC 63G .0101
10A NCAC 63C .0511	10A NCAC 63F .0502	10A NCAC 63G .0102
10A NCAC 63C .0512	10A NCAC 63F .0503	10A NCAC 63G .0103
10A NCAC 63C .0601	10A NCAC 63F .0504	10A NCAC 63G .0104
10A NCAC 63C .0603	10A NCAC 63F .0505	10A NCAC 63G .0105
10A NCAC 63C .0605	10A NCAC 63F .0506	10A NCAC 63G .0106
10A NCAC 63C .0606	10A NCAC 63F .0507	10A NCAC 63G .0201
10A NCAC 63C .0607	10A NCAC 63F .0508	10A NCAC 63G .0202
10A NCAC 63C .0608	10A NCAC 63F .0509	10A NCAC 63G .0203
10A NCAC 63C .0702	10A NCAC 63F .0510	10A NCAC 63G .0204
10A NCAC 63C .0704	10A NCAC 63F .0601	10A NCAC 63G .0205
10A NCAC 63E .0101	10A NCAC 63F .0602	10A NCAC 63G .0301
10A NCAC 63E .0102	10A NCAC 63F .0603	10A NCAC 63G .0302
10A NCAC 63E .0201	10A NCAC 63F .0604	



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 28, 2026

Patricia Sikes

Sent via email to: patricia.sikes@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 63C

Dear Ms. Sikes:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
September 25, 2025
APO Review: November 26, 2025
Blind, Commission for the
Total: 110

RRC Determination: Necessary

10A NCAC 63A .0101	10A NCAC 63E .0202	10A NCAC 63F .0605
10A NCAC 63A .0201	10A NCAC 63E .0301	10A NCAC 63F .0606
10A NCAC 63B .0101	10A NCAC 63E .0401	10A NCAC 63F .0607
10A NCAC 63B .0102	10A NCAC 63E .0402	10A NCAC 63F .0608
10A NCAC 63B .0103	10A NCAC 63E .0403	10A NCAC 63F .0609
10A NCAC 63B .0104	10A NCAC 63F .0101	10A NCAC 63F .0610
10A NCAC 63B .0105	10A NCAC 63F .0102	10A NCAC 63F .0611
10A NCAC 63B .0106	10A NCAC 63F .0103	10A NCAC 63F .0612
10A NCAC 63B .0108	10A NCAC 63F .0104	10A NCAC 63F .0613
10A NCAC 63B .0201	10A NCAC 63F .0105	10A NCAC 63F .0614
10A NCAC 63C .0101	10A NCAC 63F .0106	10A NCAC 63F .0615
10A NCAC 63C .0102	10A NCAC 63F .0107	10A NCAC 63F .0616
10A NCAC 63C .0103	10A NCAC 63F .0108	10A NCAC 63F .0617
10A NCAC 63C .0104	10A NCAC 63F .0109	10A NCAC 63F .0618
10A NCAC 63C .0201	10A NCAC 63F .0111	10A NCAC 63F .0619
10A NCAC 63C .0202	10A NCAC 63F .0112	10A NCAC 63F .0620
10A NCAC 63C .0203	10A NCAC 63F .0113	10A NCAC 63F .0621
10A NCAC 63C .0204	10A NCAC 63F .0201	10A NCAC 63F .0622
10A NCAC 63C .0205	10A NCAC 63F .0202	10A NCAC 63F .0623
10A NCAC 63C .0206	10A NCAC 63F .0301	10A NCAC 63F .0624
10A NCAC 63C .0402	10A NCAC 63F .0401	10A NCAC 63F .0625
10A NCAC 63C .0403	10A NCAC 63F .0402	10A NCAC 63F .0626
10A NCAC 63C .0506	10A NCAC 63F .0403	10A NCAC 63F .0627
10A NCAC 63C .0508	10A NCAC 63F .0501	10A NCAC 63G .0101
10A NCAC 63C .0511	10A NCAC 63F .0502	10A NCAC 63G .0102
10A NCAC 63C .0512	10A NCAC 63F .0503	10A NCAC 63G .0103
10A NCAC 63C .0601	10A NCAC 63F .0504	10A NCAC 63G .0104
10A NCAC 63C .0603	10A NCAC 63F .0505	10A NCAC 63G .0105
10A NCAC 63C .0605	10A NCAC 63F .0506	10A NCAC 63G .0106
10A NCAC 63C .0606	10A NCAC 63F .0507	10A NCAC 63G .0201
10A NCAC 63C .0607	10A NCAC 63F .0508	10A NCAC 63G .0202
10A NCAC 63C .0608	10A NCAC 63F .0509	10A NCAC 63G .0203
10A NCAC 63C .0702	10A NCAC 63F .0510	10A NCAC 63G .0204
10A NCAC 63C .0704	10A NCAC 63F .0601	10A NCAC 63G .0205
10A NCAC 63E .0101	10A NCAC 63F .0602	10A NCAC 63G .0301
10A NCAC 63E .0102	10A NCAC 63F .0603	10A NCAC 63G .0302
10A NCAC 63E .0201	10A NCAC 63F .0604	



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 28, 2026

Jennifer Everett

Sent via email to: jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 02A

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
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www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
December 18, 2025
APO Review: February 18, 2026
Environmental Management Commission
Total: 317

RRC Determination: Necessary

15A	NCAC 02A	.0101	Necessary	15A	NCAC 02D	.0513	Necessary
15A	NCAC 02A	.0105	Necessary	15A	NCAC 02D	.0514	Necessary
15A	NCAC 02A	.0107	Necessary	15A	NCAC 02D	.0515	Necessary
15A	NCAC 02D	.0101	Necessary	15A	NCAC 02D	.0516	Necessary
15A	NCAC 02D	.0103	Necessary	15A	NCAC 02D	.0517	Necessary
15A	NCAC 02D	.0104	Necessary	15A	NCAC 02D	.0519	Necessary
15A	NCAC 02D	.0105	Necessary	15A	NCAC 02D	.0521	Necessary
15A	NCAC 02D	.0201	Necessary	15A	NCAC 02D	.0524	Necessary
15A	NCAC 02D	.0202	Necessary	15A	NCAC 02D	.0527	Necessary
15A	NCAC 02D	.0301	Necessary	15A	NCAC 02D	.0528	Necessary
15A	NCAC 02D	.0302	Necessary	15A	NCAC 02D	.0529	Necessary
15A	NCAC 02D	.0303	Necessary	15A	NCAC 02D	.0530	Necessary
15A	NCAC 02D	.0304	Necessary	15A	NCAC 02D	.0531	Necessary
15A	NCAC 02D	.0305	Necessary	15A	NCAC 02D	.0532	Necessary
15A	NCAC 02D	.0306	Necessary	15A	NCAC 02D	.0533	Necessary
15A	NCAC 02D	.0307	Necessary	15A	NCAC 02D	.0534	Necessary
15A	NCAC 02D	.0401	Necessary	15A	NCAC 02D	.0535	Necessary
15A	NCAC 02D	.0402	Necessary	15A	NCAC 02D	.0537	Necessary
15A	NCAC 02D	.0403	Necessary	15A	NCAC 02D	.0538	Necessary
15A	NCAC 02D	.0404	Necessary	15A	NCAC 02D	.0539	Necessary
15A	NCAC 02D	.0405	Necessary	15A	NCAC 02D	.0540	Necessary
15A	NCAC 02D	.0407	Necessary	15A	NCAC 02D	.0541	Necessary
15A	NCAC 02D	.0408	Necessary	15A	NCAC 02D	.0542	Necessary
15A	NCAC 02D	.0409	Necessary	15A	NCAC 02D	.0543	Necessary
15A	NCAC 02D	.0410	Necessary	15A	NCAC 02D	.0544	Necessary
15A	NCAC 02D	.0501	Necessary	15A	NCAC 02D	.0546	Necessary
15A	NCAC 02D	.0502	Necessary	15A	NCAC 02D	.0601	Necessary
15A	NCAC 02D	.0503	Necessary	15A	NCAC 02D	.0602	Necessary
15A	NCAC 02D	.0504	Necessary	15A	NCAC 02D	.0604	Necessary
15A	NCAC 02D	.0506	Necessary	15A	NCAC 02D	.0605	Necessary
15A	NCAC 02D	.0507	Necessary	15A	NCAC 02D	.0606	Necessary
15A	NCAC 02D	.0508	Necessary	15A	NCAC 02D	.0607	Necessary
15A	NCAC 02D	.0509	Necessary	15A	NCAC 02D	.0608	Necessary
15A	NCAC 02D	.0510	Necessary	15A	NCAC 02D	.0610	Necessary
15A	NCAC 02D	.0511	Necessary	15A	NCAC 02D	.0611	Necessary
15A	NCAC 02D	.0512	Necessary	15A	NCAC 02D	.0612	Necessary

15A	NCAC 02D	.0613	Necessary	15A	NCAC 02D	.1001	Necessary
15A	NCAC 02D	.0614	Necessary	15A	NCAC 02D	.1002	Necessary
15A	NCAC 02D	.0901	Necessary	15A	NCAC 02D	.1003	Necessary
15A	NCAC 02D	.0902	Necessary	15A	NCAC 02D	.1005	Necessary
15A	NCAC 02D	.0903	Necessary	15A	NCAC 02D	.1006	Necessary
15A	NCAC 02D	.0906	Necessary	15A	NCAC 02D	.1008	Necessary
15A	NCAC 02D	.0909	Necessary	15A	NCAC 02D	.1102	Necessary
15A	NCAC 02D	.0912	Necessary	15A	NCAC 02D	.1103	Necessary
15A	NCAC 02D	.0918	Necessary	15A	NCAC 02D	.1104	Necessary
15A	NCAC 02D	.0919	Necessary	15A	NCAC 02D	.1105	Necessary
15A	NCAC 02D	.0922	Necessary	15A	NCAC 02D	.1106	Necessary
15A	NCAC 02D	.0923	Necessary	15A	NCAC 02D	.1107	Necessary
15A	NCAC 02D	.0924	Necessary	15A	NCAC 02D	.1108	Necessary
15A	NCAC 02D	.0925	Necessary	15A	NCAC 02D	.1109	Necessary
15A	NCAC 02D	.0926	Necessary	15A	NCAC 02D	.1110	Necessary
15A	NCAC 02D	.0927	Necessary	15A	NCAC 02D	.1111	Necessary
15A	NCAC 02D	.0928	Necessary	15A	NCAC 02D	.1112	Necessary
15A	NCAC 02D	.0930	Necessary	15A	NCAC 02D	.1201	Necessary
15A	NCAC 02D	.0931	Necessary	15A	NCAC 02D	.1202	Necessary
15A	NCAC 02D	.0932	Necessary	15A	NCAC 02D	.1204	Necessary
15A	NCAC 02D	.0933	Necessary	15A	NCAC 02D	.1206	Necessary
15A	NCAC 02D	.0935	Necessary	15A	NCAC 02D	.1208	Necessary
15A	NCAC 02D	.0937	Necessary	15A	NCAC 02D	.1210	Necessary
15A	NCAC 02D	.0943	Necessary	15A	NCAC 02D	.1401	Necessary
15A	NCAC 02D	.0944	Necessary	15A	NCAC 02D	.1402	Necessary
15A	NCAC 02D	.0945	Necessary	15A	NCAC 02D	.1403	Necessary
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15A	NCAC 02D	.0952	Necessary	15A	NCAC 02D	.1409	Necessary
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15A	NCAC 02D	.0957	Necessary	15A	NCAC 02D	.1412	Necessary
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15A	NCAC 02D	.0961	Necessary	15A	NCAC 02D	.1415	Necessary
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15A	NCAC 02D	.0963	Necessary	15A	NCAC 02D	.1423	Necessary
15A	NCAC 02D	.0964	Necessary	15A	NCAC 02D	.1424	Necessary
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15A	NCAC 02D	.0967	Necessary	15A	NCAC 02D	.1702	Necessary
15A	NCAC 02D	.0968	Necessary	15A	NCAC 02D	.1703	Necessary

RULES REVIEW COMMISSION

15A	NCAC 02D	.1704	Necessary	15A	NCAC 02D	.2309	Necessary
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15A	NCAC 02D	.1707	Necessary	15A	NCAC 02D	.2601	Necessary
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15A	NCAC 02D	.1709	Necessary	15A	NCAC 02D	.2603	Necessary
15A	NCAC 02D	.1710	Necessary	15A	NCAC 02D	.2604	Necessary
15A	NCAC 02D	.1801	Necessary	15A	NCAC 02D	.2605	Necessary
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15A	NCAC 02D	.1803	Necessary	15A	NCAC 02D	.2607	Necessary
15A	NCAC 02D	.1804	Necessary	15A	NCAC 02D	.2608	Necessary
15A	NCAC 02D	.1806	Necessary	15A	NCAC 02D	.2609	Necessary
15A	NCAC 02D	.1807	Necessary	15A	NCAC 02D	.2610	Necessary
15A	NCAC 02D	.1808	Necessary	15A	NCAC 02D	.2611	Necessary
15A	NCAC 02D	.1901	Necessary	15A	NCAC 02D	.2612	Necessary
15A	NCAC 02D	.1902	Necessary	15A	NCAC 02D	.2613	Necessary
15A	NCAC 02D	.1903	Necessary	15A	NCAC 02D	.2614	Necessary
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15A	NCAC 02D	.1906	Necessary	15A	NCAC 02D	.2617	Necessary
15A	NCAC 02D	.1907	Necessary	15A	NCAC 02D	.2618	Necessary
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15A	NCAC 02D	.2105	Necessary	15A	NCAC 02Q	.0107	Necessary
15A	NCAC 02D	.2201	Necessary	15A	NCAC 02Q	.0108	Necessary
15A	NCAC 02D	.2202	Necessary	15A	NCAC 02Q	.0109	Necessary
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15A	NCAC 02D	.2205	Necessary	15A	NCAC 02Q	.0112	Necessary
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15A	NCAC 02D	.2302	Necessary	15A	NCAC 02Q	.0201	Necessary
15A	NCAC 02D	.2303	Necessary	15A	NCAC 02Q	.0202	Necessary
15A	NCAC 02D	.2304	Necessary	15A	NCAC 02Q	.0203	Necessary
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15A	NCAC 02D	.2308	Necessary	15A	NCAC 02Q	.0207	Necessary

RULES REVIEW COMMISSION

15A	NCAC 02Q	.0301	Necessary	15A	NCAC 02Q	.0528	Necessary
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15A	NCAC 02Q	.0306	Necessary	15A	NCAC 02Q	.0704	Necessary
15A	NCAC 02Q	.0307	Necessary	15A	NCAC 02Q	.0706	Necessary
15A	NCAC 02Q	.0308	Necessary	15A	NCAC 02Q	.0707	Necessary
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15A	NCAC 02Q	.0312	Necessary	15A	NCAC 02Q	.0711	Necessary
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15A	NCAC 02Q	.0504	Necessary	15A	NCAC 02Q	.0901	Necessary
15A	NCAC 02Q	.0505	Necessary	15A	NCAC 02Q	.0902	Necessary
15A	NCAC 02Q	.0507	Necessary	15A	NCAC 02Q	.0903	Necessary
15A	NCAC 02Q	.0508	Necessary				
15A	NCAC 02Q	.0509	Necessary				
15A	NCAC 02Q	.0510	Necessary				
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15A	NCAC 02Q	.0513	Necessary				
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15A	NCAC 02Q	.0516	Necessary				
15A	NCAC 02Q	.0517	Necessary				
15A	NCAC 02Q	.0518	Necessary				
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15A	NCAC 02Q	.0523	Necessary				
15A	NCAC 02Q	.0524	Necessary				
15A	NCAC 02Q	.0525	Necessary				
15A	NCAC 02Q	.0526	Necessary				
15A	NCAC 02Q	.0527	Necessary				



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 28, 2026

Jennifer Everett

Sent via email to: jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 02D, 02Q

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2030**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
December 18, 2025
APO Review: February 18, 2026
Environmental Management Commission
Total: 317

RRC Determination: Necessary

15A	NCAC 02A	.0101	Necessary	15A	NCAC 02D	.0513	Necessary
15A	NCAC 02A	.0105	Necessary	15A	NCAC 02D	.0514	Necessary
15A	NCAC 02A	.0107	Necessary	15A	NCAC 02D	.0515	Necessary
15A	NCAC 02D	.0101	Necessary	15A	NCAC 02D	.0516	Necessary
15A	NCAC 02D	.0103	Necessary	15A	NCAC 02D	.0517	Necessary
15A	NCAC 02D	.0104	Necessary	15A	NCAC 02D	.0519	Necessary
15A	NCAC 02D	.0105	Necessary	15A	NCAC 02D	.0521	Necessary
15A	NCAC 02D	.0201	Necessary	15A	NCAC 02D	.0524	Necessary
15A	NCAC 02D	.0202	Necessary	15A	NCAC 02D	.0527	Necessary
15A	NCAC 02D	.0301	Necessary	15A	NCAC 02D	.0528	Necessary
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15A	NCAC 02D	.0304	Necessary	15A	NCAC 02D	.0531	Necessary
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15A	NCAC 02D	.0306	Necessary	15A	NCAC 02D	.0533	Necessary
15A	NCAC 02D	.0307	Necessary	15A	NCAC 02D	.0534	Necessary
15A	NCAC 02D	.0401	Necessary	15A	NCAC 02D	.0535	Necessary
15A	NCAC 02D	.0402	Necessary	15A	NCAC 02D	.0537	Necessary
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15A	NCAC 02D	.0404	Necessary	15A	NCAC 02D	.0539	Necessary
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15A	NCAC 02D	.0410	Necessary	15A	NCAC 02D	.0544	Necessary
15A	NCAC 02D	.0501	Necessary	15A	NCAC 02D	.0546	Necessary
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15A	NCAC 02D	.0506	Necessary	15A	NCAC 02D	.0605	Necessary
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15A	NCAC 02D	.0508	Necessary	15A	NCAC 02D	.0607	Necessary
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15A	NCAC 02D	.0909	Necessary	15A	NCAC 02D	.1102	Necessary
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15A	NCAC 02D	.0918	Necessary	15A	NCAC 02D	.1104	Necessary
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15A	NCAC 02D	.0923	Necessary	15A	NCAC 02D	.1107	Necessary
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15A	NCAC 02D	.0925	Necessary	15A	NCAC 02D	.1109	Necessary
15A	NCAC 02D	.0926	Necessary	15A	NCAC 02D	.1110	Necessary
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15A	NCAC 02D	.0930	Necessary	15A	NCAC 02D	.1201	Necessary
15A	NCAC 02D	.0931	Necessary	15A	NCAC 02D	.1202	Necessary
15A	NCAC 02D	.0932	Necessary	15A	NCAC 02D	.1204	Necessary
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15A	NCAC 02D	.0935	Necessary	15A	NCAC 02D	.1208	Necessary
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15A	NCAC 02D	.0957	Necessary	15A	NCAC 02D	.1412	Necessary
15A	NCAC 02D	.0958	Necessary	15A	NCAC 02D	.1413	Necessary
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15A	NCAC 02D	.0967	Necessary	15A	NCAC 02D	.1702	Necessary
15A	NCAC 02D	.0968	Necessary	15A	NCAC 02D	.1703	Necessary

RULES REVIEW COMMISSION

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15A	NCAC 02D	.1802	Necessary	15A	NCAC 02D	.2606	Necessary
15A	NCAC 02D	.1803	Necessary	15A	NCAC 02D	.2607	Necessary
15A	NCAC 02D	.1804	Necessary	15A	NCAC 02D	.2608	Necessary
15A	NCAC 02D	.1806	Necessary	15A	NCAC 02D	.2609	Necessary
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15A	NCAC 02D	.2005	Necessary	15A	NCAC 02Q	.0102	Necessary
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15A	NCAC 02D	.2302	Necessary	15A	NCAC 02Q	.0201	Necessary
15A	NCAC 02D	.2303	Necessary	15A	NCAC 02Q	.0202	Necessary
15A	NCAC 02D	.2304	Necessary	15A	NCAC 02Q	.0203	Necessary
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15A	NCAC 02D	.2306	Necessary	15A	NCAC 02Q	.0205	Necessary
15A	NCAC 02D	.2307	Necessary	15A	NCAC 02Q	.0206	Necessary
15A	NCAC 02D	.2308	Necessary	15A	NCAC 02Q	.0207	Necessary

RULES REVIEW COMMISSION

15A	NCAC 02Q	.0301	Necessary	15A	NCAC 02Q	.0528	Necessary
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15A	NCAC 02Q	.0305	Necessary	15A	NCAC 02Q	.0703	Necessary
15A	NCAC 02Q	.0306	Necessary	15A	NCAC 02Q	.0704	Necessary
15A	NCAC 02Q	.0307	Necessary	15A	NCAC 02Q	.0706	Necessary
15A	NCAC 02Q	.0308	Necessary	15A	NCAC 02Q	.0707	Necessary
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15A	NCAC 02Q	.0310	Necessary	15A	NCAC 02Q	.0709	Necessary
15A	NCAC 02Q	.0311	Necessary	15A	NCAC 02Q	.0710	Necessary
15A	NCAC 02Q	.0312	Necessary	15A	NCAC 02Q	.0711	Necessary
15A	NCAC 02Q	.0313	Necessary	15A	NCAC 02Q	.0712	Necessary
15A	NCAC 02Q	.0314	Necessary	15A	NCAC 02Q	.0801	Necessary
15A	NCAC 02Q	.0315	Necessary	15A	NCAC 02Q	.0802	Necessary
15A	NCAC 02Q	.0316	Necessary	15A	NCAC 02Q	.0803	Necessary
15A	NCAC 02Q	.0317	Necessary	15A	NCAC 02Q	.0804	Necessary
15A	NCAC 02Q	.0318	Necessary	15A	NCAC 02Q	.0805	Necessary
15A	NCAC 02Q	.0401	Necessary	15A	NCAC 02Q	.0806	Necessary
15A	NCAC 02Q	.0402	Necessary	15A	NCAC 02Q	.0807	Necessary
15A	NCAC 02Q	.0501	Necessary	15A	NCAC 02Q	.0808	Necessary
15A	NCAC 02Q	.0502	Necessary	15A	NCAC 02Q	.0809	Necessary
15A	NCAC 02Q	.0503	Necessary	15A	NCAC 02Q	.0810	Necessary
15A	NCAC 02Q	.0504	Necessary	15A	NCAC 02Q	.0901	Necessary
15A	NCAC 02Q	.0505	Necessary	15A	NCAC 02Q	.0902	Necessary
15A	NCAC 02Q	.0507	Necessary	15A	NCAC 02Q	.0903	Necessary
15A	NCAC 02Q	.0508	Necessary				
15A	NCAC 02Q	.0509	Necessary				
15A	NCAC 02Q	.0510	Necessary				
15A	NCAC 02Q	.0512	Necessary				
15A	NCAC 02Q	.0513	Necessary				
15A	NCAC 02Q	.0514	Necessary				
15A	NCAC 02Q	.0515	Necessary				
15A	NCAC 02Q	.0516	Necessary				
15A	NCAC 02Q	.0517	Necessary				
15A	NCAC 02Q	.0518	Necessary				
15A	NCAC 02Q	.0519	Necessary				
15A	NCAC 02Q	.0520	Necessary				
15A	NCAC 02Q	.0521	Necessary				
15A	NCAC 02Q	.0522	Necessary				
15A	NCAC 02Q	.0523	Necessary				
15A	NCAC 02Q	.0524	Necessary				
15A	NCAC 02Q	.0525	Necessary				
15A	NCAC 02Q	.0526	Necessary				
15A	NCAC 02Q	.0527	Necessary				



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 28, 2026

Barbara Hines

Sent via email to: refrigeration14@gmail.com

Re: Readoption deadline for 21 NCAC 60

Dear Ms. Hines:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **January 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
July 30, 2025
APO Review: September 30, 2025
Refrigeration Examiners, Board of
Total: 14

RRC Determination: Necessary

- 21 NCAC 60 .0102
- 21 NCAC 60 .0207
- 21 NCAC 60 .0209
- 21 NCAC 60 .0211
- 21 NCAC 60 .0213
- 21 NCAC 60 .0214
- 21 NCAC 60 .0304
- 21 NCAC 60 .0311
- 21 NCAC 60 .0312
- 21 NCAC 60 .0313
- 21 NCAC 60 .0314
- 21 NCAC 60 .0316
- 21 NCAC 60 .1102
- 21 NCAC 60 .1103

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding

Dept of Public Safety; Public Safety - State Capitol Police;
Private Protective Svs. Board; Security Systems Licensing Board;
I have abstained because Current potential conflict of interest State Board of Education

This the 28 day of April, 2026

Cheryl C. Rountree

Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding Alcoholic Beverage Control Commission 14B NCAC 15C Rules

I have abstained because I represent Companies regulated by these Rules as Consultant or Director.

This the 28th day of April, 2021.


Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

LIST OF APPROVED PERMANENT RULES

April 28, 2026 Meeting

MEDICAL CARE COMMISSION

<u>Executive Committee</u>	10A NCAC	13A	.0101
<u>Petitions</u>	10A NCAC	13A	.0201
<u>Rulemaking Procedures</u>	10A NCAC	13A	.0202
<u>Declaratory Rulings</u>	10A NCAC	13A	.0203
<u>Definitions</u>	10A NCAC	13D	.2001
<u>Application Requirements</u>	10A NCAC	13D	.2101
<u>Issuance of License</u>	10A NCAC	13D	.2102
<u>Length of Licensure</u>	10A NCAC	13D	.2103
<u>Requirements for Licensure Renewal or Changes</u>	10A NCAC	13D	.2104
<u>Temporary Change in Bed Capacity</u>	10A NCAC	13D	.2105
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC	13D	.2106
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC	13D	.2107
<u>Denial, Amendment, or Revocation of License</u>	10A NCAC	13D	.2108
<u>Inspections</u>	10A NCAC	13D	.2109
<u>Administrator</u>	10A NCAC	13D	.2201
<u>General Standards of Administration</u>	10A NCAC	13D	.2202
<u>Patients Not to be Admitted</u>	10A NCAC	13D	.2203
<u>Respite Care</u>	10A NCAC	13D	.2204
<u>Discharge of Patients</u>	10A NCAC	13D	.2205
<u>Medical Director</u>	10A NCAC	13D	.2206
<u>Patient Rights</u>	10A NCAC	13D	.2207
<u>Safety</u>	10A NCAC	13D	.2208
<u>Infection Control</u>	10A NCAC	13D	.2209
<u>Reporting and Investigating Abuse, Neglect or Misappropri...</u>	10A NCAC	13D	.2210
<u>Personnel Standards</u>	10A NCAC	13D	.2211
<u>Quality Assurance Committee</u>	10A NCAC	13D	.2212
<u>Patient Assessment and Plan of Care</u>	10A NCAC	13D	.2301
<u>Nursing Services</u>	10A NCAC	13D	.2302
<u>Nurse Staffing Requirements</u>	10A NCAC	13D	.2303
<u>Nurse Aides</u>	10A NCAC	13D	.2304
<u>Quality of Care</u>	10A NCAC	13D	.2305
<u>Medication Administration</u>	10A NCAC	13D	.2306
<u>Dental Care and Services</u>	10A NCAC	13D	.2307
<u>Adult Care Home Personnel Requirements</u>	10A NCAC	13D	.2308
<u>Cardio-Pulmonary Resuscitation</u>	10A NCAC	13D	.2309
<u>Maintenance of Medical Records</u>	10A NCAC	13D	.2401
<u>Preservation of Medical Records</u>	10A NCAC	13D	.2402
<u>Availability of Physician's Services</u>	10A NCAC	13D	.2501
<u>Private Physician</u>	10A NCAC	13D	.2502
<u>Use of Nurse Practitioners and Physician Assistants</u>	10A NCAC	13D	.2503
<u>Laboratory and Radiology Services</u>	10A NCAC	13D	.2504
<u>Brain Injury Long-Term Care Physician Services</u>	10A NCAC	13D	.2505

<u>Availability of Pharmaceutical Services</u>	10A NCAC	13D	.2601
<u>Pharmacy Personnel</u>	10A NCAC	13D	.2602
<u>Administrative Responsibilities</u>	10A NCAC	13D	.2603
<u>Drug Procurement</u>	10A NCAC	13D	.2604
<u>Drug Storage and Disposition</u>	10A NCAC	13D	.2605
<u>Pharmaceutical Records</u>	10A NCAC	13D	.2606
<u>Emergency Drugs</u>	10A NCAC	13D	.2607
<u>Provision of Nutrition and Dietetic Services</u>	10A NCAC	13D	.2701
<u>Activity Services</u>	10A NCAC	13D	.2801
<u>Social Services</u>	10A NCAC	13D	.2802
<u>Report of Death</u>	10A NCAC	13D	.2901
<u>Pets</u>	10A NCAC	13D	.2902
<u>Ventilator Assisted Care</u>	10A NCAC	13D	.3003
<u>Brain Injury Long-Term Care</u>	10A NCAC	13D	.3004
<u>Special Nursing Requirements for Brain Injury Long-Term Care</u>	10A NCAC	13D	.3005
<u>Additional Requirements for Spinal Cord Injury Patients</u>	10A NCAC	13D	.3031
<u>General Rules</u>	10A NCAC	13D	.3101
<u>Physician in an HIV Designated Unit</u>	10A NCAC	13D	.3102
<u>Site</u>	10A NCAC	13D	.3103
<u>Plans and Specifications</u>	10A NCAC	13D	.3104
<u>Required Spaces</u>	10A NCAC	13D	.3201
<u>Furnishings</u>	10A NCAC	13D	.3202
<u>Heating and Air Conditioning</u>	10A NCAC	13D	.3401
<u>Emergency Electrical Service</u>	10A NCAC	13D	.3402
<u>General Electric</u>	10A NCAC	13D	.3403
<u>Other</u>	10A NCAC	13D	.3404

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Location</u>	12 NCAC	10B	.0101
<u>Sheriffs' Standards Division</u>	12 NCAC	10B	.0104
<u>Administrative Hearing Procedures</u>	12 NCAC	10B	.0105
<u>Procedures for Petitions for Rulemaking</u>	12 NCAC	10B	.0106
<u>Procedures for Petitions for Declaratory Rulings</u>	12 NCAC	10B	.0107

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Beer Franchise Law; "Brand" Defined</u>	14B NCAC	15C	.0103
<u>Definitions</u>	14B NCAC	15C	.0701
<u>Malt Beverages: Allowances for Damage</u>	14B NCAC	15C	.0702
<u>Removal or Disturbance of Other Brands Prohibited</u>	14B NCAC	15C	.0703
<u>Quantity Discounts Prohibited</u>	14B NCAC	15C	.0704
<u>Exclusive Outlets</u>	14B NCAC	15C	.0705
<u>Inducements (Tied House)</u>	14B NCAC	15C	.0706
<u>Commercial Bribery</u>	14B NCAC	15C	.0707
<u>Prohibited Trade Practices</u>	14B NCAC	15C	.0709
<u>Accepted Trade Practices; Services</u>	14B NCAC	15C	.0710

RULES REVIEW COMMISSION

<u>Accepted Trade Practices; Things of Value; Retail Permittees</u>	14B NCAC	15C	.0711
<u>Transactions with Government and Special One-Time Permittees</u>	14B NCAC	15C	.0712
<u>Tournaments</u>	14B NCAC	15C	.0713
<u>Consumer Contests: Sweepstakes</u>	14B NCAC	15C	.0714

PRIVATE PROTECTIVE SERVICES BOARD

<u>Renewal or Re-issue of Licenses and Trainee Permits</u>	14B NCAC	16	.0203
<u>Company Business License</u>	14B NCAC	16	.0205
<u>Minimum Standards for Unarmed Security Guard Registration</u>	14B NCAC	16	.0703
<u>Renewal of Unarmed Security Guard Registration</u>	14B NCAC	16	.0706
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0806
<u>Application for Firearms Trainer Certificate</u>	14B NCAC	16	.0902
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC	16	.0904
<u>Application for an Unarmed Trainer</u>	14B NCAC	16	.0910
<u>Renewal of an Unarmed Trainer Certificate</u>	14B NCAC	16	.0911
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B NCAC	16	.1306
<u>Renewal of Armed Armored Car Service Guard Firearm Regist...</u>	14B NCAC	16	.1406

SECURITY SYSTEMS LICENSING BOARD

<u>Application for License</u>	14B NCAC	17	.0201
<u>Application for Registration</u>	14B NCAC	17	.0301

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Flow Design Criteria for Effluent Limitations</u>	15A NCAC	02B	.0206
<u>Staff Review and Evaluation</u>	15A NCAC	02H	.0107

COASTAL RESOURCES COMMISSION

<u>Approval Procedures</u>	15A NCAC	07H	.2302
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EDUCATION, STATE BOARD OF

<u>Qualifications of Teachers</u>	16 NCAC	06C	.0102
<u>Definitions</u>	16 NCAC	06C	.0202
<u>Definitions</u>	16 NCAC	06C	.0301
<u>General Licensure Requirements</u>	16 NCAC	06C	.0302
<u>Teacher License</u>	16 NCAC	06C	.0304
<u>Administrator License</u>	16 NCAC	06C	.0305
<u>Student Services Personnel License</u>	16 NCAC	06C	.0306
<u>Additional Teaching Areas</u>	16 NCAC	06C	.0307
<u>Provisional License</u>	16 NCAC	06C	.0308
<u>License Endorsement</u>	16 NCAC	06C	.0313
<u>License Application</u>	16 NCAC	06C	.0334
<u>Initial Professional License</u>	16 NCAC	06C	.0336
<u>Continuing Professional License</u>	16 NCAC	06C	.0337
<u>Residency License</u>	16 NCAC	06C	.0338
<u>Residency License Professional Development Requirements</u>	16 NCAC	06C	.0339

RULES REVIEW COMMISSION

<u>Limited License</u>	16 NCAC	06C	.0340
<u>Permit to Teach</u>	16 NCAC	06C	.0341
<u>Emergency License...</u>	16 NCAC	06C	.0342
<u>Out-of-State Applicants</u>	16 NCAC	06C	.0344
<u>International Faculty License</u>	16 NCAC	06C	.0346
<u>Lifetime License</u>	16 NCAC	06C	.0349
<u>Special License Provisions for Active-Duty Service Members and Spouses</u>	16 NCAC	06C	.0350
<u>Effectiveness Data Requirements to Qualify for a...</u>	16 NCAC	06C	.0354
<u>Teaching Experience Requirements to be Issued a NC...</u>	16 NCAC	06C	.0355
<u>Requirements to be Issued an International Faculty License</u>	16 NCAC	06C	.0357
<u>License Renewal for Teachers</u>	16 NCAC	06C	.0360
<u>License Renewal for Student Services Personnel</u>	16 NCAC	06C	.0361
<u>License Renewal for Administrators</u>	16 NCAC	06C	.0362
<u>General License Renewal Requirements</u>	16 NCAC	06C	.0363
<u>Criminal History Checks</u>	16 NCAC	06C	.0610

OPTOMETRY, BOARD OF EXAMINERS IN

<u>National Board Examinations</u>	21 NCAC	42B	.0107
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ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

<u>Surveying Procedures</u>	21 NCAC	56	.1602
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.LIST OF APPROVED TEMPORARY RULES

April 28, 2026 Meeting

INSURANCE, DEPARTMENT OF

<u>General Requirements</u>	11 NCAC	06A	.0701
<u>Prelicensing Education Schools</u>	11 NCAC	06A	.0702
<u>Program Directors</u>	11 NCAC	06A	.0703
<u>Courses</u>	11 NCAC	06A	.0704
<u>Instructors</u>	11 NCAC	06A	.0705
<u>Instructor Qualification</u>	11 NCAC	06A	.0808
<u>Sanctions for Noncompliance</u>	11 NCAC	06A	.0811

WILDLIFE RESOURCES COMMISSION

<u>Sheepshead</u>	15A NCAC	10C	.0425
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