NORTH CAROLINA REGISTER

VOLUME 41 • ISSUE 09 • Pages 757 – 917

November 2, 2026

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PUBLISHED BY
The Office of Administrative Hearings
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Raleigh, NC 27609
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Julie B. Eddins, Publications Coordinator
Serena Samuels, Publications Assistant

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings
Rules Division
1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

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Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

contact:	Seth M. Ascher, Commission Counsel	seth.ascher@oah.nc.gov	984-236-1934
	Travis Wiggs, Commission Counsel	travis.wiggs@oah.nc.gov	984-236-1929
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	Meghan E. Barney, Commission Counsel	meghan.barney@oah.nc.gov	984-236-1925
	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

Jason Moran-Bates, Staff Attorney
Chris Saunders, Staff Attorney
Aaron McGlothlin, Staff Attorney

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	270th 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

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

NORTH CAROLINA REGISTER

Publication Schedule for January 2027 – December 2027

REGISTER FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
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41:14	01/15/27	12/23/26	01/30/27	03/16/27	03/20/27	04/29/2027	05/01/27	10/12/27
41:15	02/01/27	01/08/27	02/16/27	04/02/27	04/20/27	05/27/2027	06/01/27	10/29/27
41:16	02/15/27	01/25/27	03/02/27	04/16/27	04/20/27	05/27/2027	06/01/27	11/12/27
41:17	03/01/27	02/08/27	03/16/27	04/30/27	05/20/27	06/24/2027	07/01/27	11/26/27
41:18	03/15/27	02/22/27	03/30/27	05/14/27	05/20/27	06/24/2027	07/01/27	12/10/27
41:19	04/01/27	03/10/27	04/16/27	06/01/27	06/20/27	07/29/2027	08/01/27	12/27/27
41:20	04/15/27	03/24/27	04/30/27	06/14/27	06/20/27	07/29/2027	08/01/27	01/10/28
41:21	05/03/27	04/12/27	05/18/27	07/02/27	07/20/27	08/26/2027	09/01/27	01/28/28
41:22	05/17/27	04/26/27	06/01/27	07/16/27	07/20/27	08/26/2027	09/01/27	02/11/28
41:23	06/01/27	05/10/27	06/16/27	08/02/27	08/20/27	09/28/2027	10/01/27	02/26/28
41:24	06/15/27	05/24/27	06/30/27	08/16/27	08/20/27	09/28/2027	10/01/27	03/11/28
42:01	07/01/27	06/10/27	07/16/27	08/30/27	09/20/27	10/28/2027	11/01/27	03/27/28
42:02	07/15/27	06/23/27	07/30/27	09/13/27	09/20/27	10/28/2027	11/01/27	04/10/28
42:03	08/02/27	07/12/27	08/17/27	10/01/27	10/20/27	11/23/2027	12/01/27	04/28/28
42:04	08/16/27	07/26/27	08/31/27	10/15/27	10/20/27	11/23/2027	12/01/27	05/12/28
42:05	09/01/27	08/11/27	09/16/27	11/01/27	11/20/27	12/16/2027	01/01/28	05/28/28
42:06	09/15/27	08/24/27	09/30/27	11/15/27	11/20/27	12/16/2027	01/01/28	06/11/28
42:07	10/01/27	09/10/27	10/16/27	11/30/27	12/20/27	01/20/2028*	02/01/28	06/27/28
42:08	10/15/27	09/24/27	10/30/27	12/14/27	12/20/27	01/20/2028*	02/01/28	07/11/28
42:09	11/01/27	10/11/27	11/16/27	12/31/27	01/20/28	02/17/2028*	03/01/28	07/28/28
42:10	11/15/27	10/22/27	11/30/27	01/14/28	01/20/28	02/17/2028*	03/01/28	08/11/28
42:11	12/01/27	11/05/27	12/16/27	01/31/28	02/20/28	03/16/2028*	04/01/28	08/27/28
42:12	12/15/27	11/22/27	12/30/27	02/14/28	02/20/28	03/16/2028*	04/01/28	09/10/28

*Dates not yet approved by RRC

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

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) text of proposed rules;
(3) text of permanent rules approved by the Rules Review Commission;
(4) emergency rules
(5) Executive Orders of the Governor;
(6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
(7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State 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: E-Z Treat Company
PO Box 176
Haymarket, VA 20168

For: Modified Innovative Approval for E-Z Treat Advanced Pretreatment

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 65 Moore Dr, Durham, 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.



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSH STEIN • Governor
DEVDUTTA SANGVAI • Secretary
KELLY KIMPLE • Acting Director, Public Health

MEMORANDUM

To: OAH Rules Division

cc: Virginia Niehaus
Wilson Mize

From: Tricia Angoli, On-Site Water Protection Branch

Date: October 9, 2026

Subject: Notice to be published in NC Registry

Please consider this as our request to have the accompanying NOTICE appear in the next issue of the North Carolina Registry.

This Notice is to announce receipt by the Department of Health and Human Services of an application for a new Innovative Approval of Wastewater Systems manufactured by:

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

This notification is required pursuant to NC General Statute 130A-343(g), requiring the Department to publish such a notice and to receive public comment on the application for at least 30 days after the date the notice is published in the North Carolina Register prior to acting on the application.

We shall concurrently provide you this Memorandum and Notice by Email and would greatly appreciate receipt of confirmation of the projected Issue Date for this notice in the Register.

Your assistance with this matter is greatly appreciated. Please let me know if you need any further information. I can be reached by phone at 919-218-2580 or by email at trish.angoli@dhhs.nc.gov.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 65 Moore Dr, Durham, NC 27703
MAILING ADDRESS: 1642 Mail Service Center, Raleigh, NC 27699-1642
www.ncdhhs.gov • TEL: 919-707-5874 • FAX: 919-845-3972

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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 08 – STATE BOARD OF ELECTIONS

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Board of Elections intends to readopt without substantive changes the rule cited as 08 NCAC 01 .0101.*

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.ncsbe.gov/about-elections/legal-resources/rulemaking*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 7, 2026*
Time: *10:00 a.m.*
Location: *State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *This rule provides the agency's contact information, including address, phone, and email.*

Comments may be submitted to: *Adam Steele, P.O. Box 27255, Raleigh, NC 27611*

Comment period ends: *January 4, 2027*

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 01 - DEPARTMENTAL RULES

08 NCAC 01 .0101 AGENCY CONTACT INFORMATION AND HOURS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

* *

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Board of Elections intends to readopt with substantive changes the rule cited as 08 NCAC 05 .0111.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncsbe.gov/about-elections/legal-resources/rulemaking*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 7, 2026*
Time: *10:00 a.m.*
Location: *State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *This rule provides that, in accordance with N.C.G.S. § 163-36, counties with under 6,501 registered voters may choose to operate their office on a modified schedule. The rule proposed for readoption provides a standard for an eligible county board to determine that it can operate on a modified schedule, and further provides that the office must be open each weekday during the early voting period.*

Comments may be submitted to: *Adam Steele, P.O. Box 27255, Raleigh, NC 27611*

Comment period ends: *January 4, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the

Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 05 - MODIFIED FULL TIME REGISTRATION SYSTEM

08 NCAC 05 .0111 MODIFIED FULL-TIME OFFICES

County board of elections offices in counties eligible to operate a modified schedule for the elections office under G.S. 163-36 ~~with fewer than 6,501 registered voters~~ may operate office hours on Mondays, Wednesdays, and Fridays when the county board has determined that the operation of a full-time schedule for the office is not necessary to perform the duties of the county board and of the county director of elections under Chapter 163 of the North Carolina General Statutes. ~~upon approval of the county board of elections.~~ For the purposes of this Rule, office hours means hours consistent with the hours observed by county government of that county. A county board that has chosen to operate a modified schedule for its office in accordance with this Rule shall require the office to be open full-time during the early voting period for all primaries and elections as provided by G.S. 163-166.40(i).

Authority ~~G.S. 163A-776;~~ G.S. 163-22; G.S. 163-36; G.S. 163-166.40.

TITLE 12 – DEPARTMENT OF JUSTICE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to adopt the rules cited as 12 NCAC 10B .0413, and .0414.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *November 17, 2026*
Time: *10:00 a.m.*
Location: *1700 Tryon Park Dr., Raleigh NC 27610*

Reason for Proposed Action: *12 NCAC 10B .0413 - This rule for adoption contains the contents of the portion of repealed Rule 10B .0406 that explains the requirements for detention officers and telecommunicators who are lateral transfers.*
12 NCAC 10B .0414 - This rule for adoption contains the contents of the portion of repealed Rule 10B .0406 that explains the requirements for all justice officers who are reinstated after being suspended under the Commission's rules.

Comments may be submitted to: *Robin Pendergraft, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email rpendergraft@ncdoj.gov*

Comment period ends: *January 4, 2027*

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 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

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

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0413 LATERAL TRANSFERS DETENTION OFFICERS AND TELECOMMUNICATORS

(a) The general certification, pursuant to Rule .0404 of this Section, or grandfather certification, as defined in G.S. 17E-7(a), of a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, is eligible for lateral transfer to an agency and to be certified upon compliance with Paragraphs (b) of this Rule.
(b) The employing agency shall:
(1) verify the applicant's certification status with the Division prior to submission of the

application for certification as a lateral transfer and submit the following:

(2) Report of Appointment (F-4 or F-4T);

(3) Results of a Fingerprint Criminal History Record Check pursuant to Rule .0303 of this Subchapter;

(4) Processed Application for Verification of Expunction AOC-CR-280; and

(5) Firearms Qualification Records (F-9A) if applicable for detention officers.

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

12 NCAC 10B .0414 REINSTATEMENT OF JUSTICE OFFICERS

(a) A justice officer whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter is eligible to have the certification reinstated provided that:

(1) the period of suspension was six months or less;

(2) the officer has successfully completed the basic training requirements as prescribed in Sections .0500, .0600, or .1300 of this Subchapter; and

(3) the employing agency submits to the Division the following:

(A) Report of Appointment (F-4 or F-4T);

(B) Oath of Office for deputy appointment;

(C) Results of a Fingerprint Criminal History Record Check pursuant to Rule .0303 of this Subchapter;

(D) Results of a criminal record check pursuant to Rule .0305(5)(A) and (B) of this Subchapter;

(E) Processed AOC-280; and

(F) Firearms Qualification Records (F-9A) if authorized by the Sheriff to carry a firearm.

(b) A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, is eligible for reinstatement provided that:

(1) the period of separation has been six-months or less; and

(2) the employing agency submits to the Division the following:

(A) Report of Appointment (F-4 or F-4T);

(B) Oath of Office for deputy appointment;

(C) Results of a Fingerprint Criminal History Record Check pursuant to Rule .0303 of this Subchapter;

(D) Results of a criminal record check pursuant to Rule .0305(5)(A) and (B) of this Subchapter;

(E) Processed Verification of Expunction (AOC-280); and

(F) Firearms Qualification Records (F-9A) if authorized by the Sheriff to carry a firearm.

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

TITLE 13 – DEPARTMENT OF LABOR

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Department of Labor intends to amend the rules cited as 13 NCAC 13 .0101, .0203, .0210, and .0213.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.labor.nc.gov/rules-and-regulations*

Proposed Effective Date: *March 1, 2027*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Email Ashley Snyder (ashley.snyder@labor.nc.gov) to demand a public hearing.*

Reason for Proposed Action: *The Department of Labor is proposing fee increases for reasons set forth in the approved fiscal note.*

Comments may be submitted to: *Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699; email dol.rules@labor.nc.gov*

Comment period ends: *January 4, 2027*

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 13 - BOILER AND PRESSURE VESSEL

SECTION .0100 - DEFINITIONS

13 NCAC 13 .0101 DEFINITIONS

The following definitions shall apply throughout the rules in this Chapter and shall be construed as controlling in case of any conflict with the definitions contained in ANSI/NB-23 National Board Inspection Code Parts 2, 3, and 4, The American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or The North Carolina State Building Code:

(1) "Accepted Design and Construction Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME Code), or a comparable code with standards that the Chief Inspector determines to be equivalent to the ASME Code.

(2) "Appurtenance" means any control, fitting, appliance, or device attached to or working in conjunction with the boiler proper or pressure vessel.

(3) "ASME Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.

(4) "Audit" means activities, other than certificate inspections, conducted by the Chief Inspector or his or her designee. Audits include the following:

(a) reviews for ASME and National Board certificate issuance and renewal;

(b) audits conducted ~~of an authorized inspector~~ at the location of a manufacturer or repair organization as may be required by the ASME Code, National Board Inspection Code, or National Board Rules for Commissioned Inspectors; and

(c) audits pursuant to evaluation for the issuance of North Carolina Specials.

(5) "Automatically fired boiler" means a boiler that cycles in response to a control system and that does not require a constant attendant for the purpose of introducing fuel into the combustion chamber or to control electrical input. Electricity shall be considered a fuel for electrically fired boilers.

(6) "Authorized Inspection Agency" means an organization employing commissioned inspectors, including the following:

(a) the Bureau, as defined in Item (11) of this Rule.

(b) an inspection agency of an insurance company licensed to write boiler and pressure vessel insurance; or

(c) an owner-user inspection organization that is accredited by the National Board.

(7) "Authorized inspector" means an employee of an Authorized Inspection Agency who is commissioned by the National Board and this State, holds an endorsement on his or her National Board Commission appropriate for the work to be performed, and inspects as the third party inspector in ASME Code manufacturing facilities.

(8) "Boiler," as defined in G.S. 95-69.9(b), includes the following types of boilers:

(a) "Exhibition boiler" means a historical or antique boiler that generates steam or hot water for the purposes of entertaining or educating the public or is used for demonstrations, tourist transportation, or exhibitions. This term includes boilers used in steam tractors, threshers, steam powered sawmills, and similar uses;

(b) "High pressure boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig or water is heated to a temperature greater than 250°F and a pressure greater than 160 psig for use external to itself. High pressure boilers include the following:

(i) Electric boilers;

(ii) Miniature boilers;

(iii) High temperature water boilers; and

(iv) High temperature liquid boilers (other than water);

(c) "Low pressure boiler" means a boiler in which steam or other vapor is generated at a pressure of not more than 15 psig or water is heated to a temperature not greater than 250°F and a pressure not greater than 160 psig, including the following:

(i) "Hot water heating boiler" means a low pressure boiler that supplies heated water that is returned to the boiler from a piping system and is used normally for building heat applications (hydronic boiler);

(ii) "Hot water supply boiler" means a low pressure boiler that furnishes hot water to be used externally to itself; and

(iii) "Steam heating boiler" means a low pressure boiler that generates steam to be used normally for building heat applications;

(d) "Model hobby boiler" means a boiler that generates steam, whether stationary or mobile, and is used for the purpose of entertainment or exhibiting steam technology, where the boiler does not exceed:

(i) 20 square feet of heating surface;
(ii) a shell diameter of 16 inches;
(iii) a volume of 5 cubic feet; and
(iv) a pressure of 150 psig;

(e) "Water heater" means a closed vessel in which water is heated by the combustion of fuel, by electricity, or by any other source, and withdrawn for potable use external to the system at pressures not exceeding 160 psig and temperatures not exceeding 210°F.

(9) "Boiler blowoff" means the system associated with the rapid draining of boiler water to remove concentrated solids that have accumulated as a result of steam generation. This term also applies to the blowoff for other boiler appurtenances, such as the low-water fuel cutoff.

(10) "Boiler proper" or "pressure vessel" means the internal mechanism, shell, and heads of a boiler or pressure vessel terminating at:
(a) the first circumferential joint for welded end connections;
(b) the face of the first flange in bolted flange connections; or
(c) the first threaded joint in threaded connections.

(11) "Bureau" means the Boiler Safety Bureau of the North Carolina Department of Labor.

(12) "Certificate inspection" means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding, or revoking the inspection certificate. The term "certificate inspection" also applies to the external inspection conducted in accordance with this Chapter whether or not a certificate is intended to be issued as a result of the inspection.

(13) "Condemned boiler or pressure vessel" means a boiler or pressure vessel:
(a) that has been found not to comply with G.S. Chapter 95, Article 7A, or this Chapter;
(b) that constitutes a menace to public safety; and
(c) that cannot be repaired or altered so as to comply with G.S. Chapter 95, Article 7A, and this Chapter.

(14) "Coil type watertube boiler" means a boiler having no steam space, such as a steam drum, whereby the heat transfer portion of the water-containing space consists only of a coil of pipe or tubing.

(15) "Commissioned inspector" means an employee of an Authorized Inspection Agency who is commissioned by the National Board and this State, holds an endorsement on his or her National Board Commission appropriate for the work to be performed, and who is charged with conducting in-service inspections of pressure equipment and inspecting repairs or alterations to that equipment.

(16) "Defect" means any deterioration to the pressure equipment affecting the integrity of the pressure boundary or its supports. Defects may be cracks, corrosion, erosion, bags, bulges, blisters, leaks, broken parts integral to the pressure boundary such as stays, or other flaws identified by NDE or visual inspection.

(17) "Deficiency" means any violation of the Uniform Boiler and Pressure Vessel Act, rules of this Chapter, or identified defects.

(18) "Design criteria" means design and construction code requirements relating to the mode of design and construction of a boiler or pressure vessel.

(19) "Equipment" means any boiler or pressure vessel subject to inspection by the Bureau.

(20) "External inspection" means an inspection of the external surfaces and appurtenances of a boiler or pressure vessel. An external inspection may entail "shutting down" a boiler or pressure vessel while it is in operation, including inspection of internal surfaces, if the inspector determines this action is warranted.

(21) "Hydropneumatic storage tank" means a pressure vessel used for storage of water at a temperature not to exceed 110 °F and where a cushion of air is contained within the vessel.

(22) "Imminent danger" means any condition or practice in any location that a boiler or pressure vessel is being operated such that a danger exists that could be expected to cause death or serious physical harm if the condition is not abated.

(23) "Insurance inspector" means the special inspector employed by an insurance company, and holding a valid North Carolina Commission and National Board Commission.

(24) "Internal inspection" means as complete an examination as can be made of the internal and external surfaces and appurtenances of a boiler or pressure vessel while it is shut down.

(25) "Maximum allowable working pressure" or "MAWP" means the maximum gauge pressure as determined by employing the stress values, design rules, and dimensions designated by the accepted design and construction code or as determined by the Chief Inspector in accordance with this Chapter.

(26) "Menace to public safety" means a boiler or pressure vessel that cannot be operated without a risk of injury to persons and property.

(27) "Miniature boiler" means a boiler that does not exceed any of the following:
(a) 16 inch inside shell diameter;

(b) 20 square feet of heating surface (does not apply to electrically fired boilers);
(c) 5 cubic feet volume; and
(d) 100 psig maximum allowable working pressure.

(28) "National Board Commission" means the commission issued by the National Board to those individuals who have passed the National Board commissioning examination and have fulfilled the requirements of the National Board Rules for Commissioned Inspectors.

(29) "National Board Inspection Code" or "NBIC" means the ANSI/NB-23 standard published by the National Board, as incorporated by reference under Rule .0103 of this Chapter.

(30) "Nondestructive examination" or "NDE" means examination methods used to verify the integrity of materials and welds in a component without damaging its structure or altering its mechanical properties. NDE may involve surface, subsurface, and volumetric examination. Visual inspection, x-rays, and ultrasound are examples of NDE.

(31) "Nonstandard boiler or pressure vessels" means:
(a) high pressure boilers contracted for or installed before December 7, 1935;
(b) heating boilers contracted for or installed before January 1, 1951;
(c) pressure vessels contracted for or installed before January 1, 1976;
(d) hydropneumatic storage tanks contracted for or installed before January 1, 1986; and
(e) boilers or pressure vessels to which the ASME Code is not intended to apply, other than those boilers and pressure vessels to which the term North Carolina Special applies.

(32) "Normal working hours" means between the hours of 6:00 AM and 6:00 PM, Monday through Friday, except for State recognized holidays established in 25 NCAC 01E .0901.

(33) "North Carolina Commission" means the commission issued by the Commissioner to those individuals who have passed the examination administered by the Chief Inspector relating to the Uniform Boiler and Pressure Vessel Act and the rules of this Chapter, and who also hold a National Board Commission, authorizing them to conduct inspections in this State.

(34) "North Carolina Special" means a boiler or pressure vessel that is not constructed in compliance with the Accepted Design and Construction Code as defined in Item (1) of this Rule and for which the owner or user shall apply for a special inspection certificate with the Chief Inspector.

(35) "NPS" means nominal pipe size.

(36) "Nuclear component" means the items in a nuclear power plant such as pressure vessels, piping systems, pumps, valves, and component supports.

(37) "Nuclear system" means a system comprised of nuclear components that serve the purpose of producing and controlling an output of thermal energy from nuclear fuel and includes those associated systems essential to the function and overall safety of the power system.

(38) "Operating pressure" means the pressure at which a boiler or pressure vessel operates. It shall not exceed the MAWP except as shown in Section I of the ASME Code for forced-flow steam generators.

(39) "Owner or user" means any person or legal entity responsible for the operation of any boiler or pressure vessel installed in this State. This term also applies to a contractor, installer, or agent of the owner or user.

(40) "Owner-user inspector" means an individual who holds a valid North Carolina Commission and National Board Commission and is employed by a company operating pressure vessels for its own use and not for resale and maintaining an inspection program that meets the requirements of the National Board for periodic inspection of pressure vessels owned or used by that company.

(41) "Pressure piping" means piping, including welded piping, external to high pressure boilers from the boiler proper to the required valve(s).

(42) "Pressure relief devices" mean the devices on boilers and pressure vessels set to open and relieve the pressure in the event of an over-pressurization event, and include the following:
(a) "Non-reclosing pressure relief device" means a pressure relief device designed to remain open after operation; and
(b) "Pressure relief valve" means a pressure relief device that is designed to reclose and prevent the further flow of fluid after normal conditions have been restored. These devices include:
(i) "Relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve that opens further with the increase in pressure over the opening pressure;
(ii) "Safety relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action or

by opening in proportion to the increase in pressure over the opening pressure; and

(iii) "Safety valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action.

(43) "PSIG" means pounds per square inch gauge.

(44) "Reinspection or Follow-Up Inspection" means an examination necessary to verify that any repair or corrective action required as a result of a certificate inspection is completed.

(45) "Service vehicle" means a vehicle mounted with an air storage tank that services vehicles and equipment in the field away from the owner's shop.

~~(46) "Shop inspection" means an inspection conducted by an Authorized Inspector or a Commissioned Inspector pursuant to an inspection service agreement whereby the fabrication process or the repair or alteration of a boiler or pressure vessel is observed to ensure compliance with the ASME Code and the NBIC.~~

~~(47)~~(46) "Special inspection" means any inspection conducted by a Deputy Inspector other than a regularly scheduled inspection, including the performance of an inspection by a Deputy Inspector that requires that the inspector make a special trip to meet the needs of the individual or organization requesting the inspection, conducting certificate inspections during hours other than normal working hours, and inspection of field repairs and alterations. A special inspection may be considered any inspection or activity not otherwise described in these Rules.

~~(48)~~(47) "Special inspector" means a National Board commissioned inspector employed by an insurance company authorized to write boiler and pressure vessel insurance in the State of North Carolina.

~~(49)~~(48) "Violation" means the failure to comply with the requirements of the Uniform Boiler and Pressure Vessel Act or this Chapter.

Authority G.S. 95-69.11; 95-69.14.

SECTION .0200 - ADMINISTRATION

13 NCAC 13 .0203 NORTH CAROLINA COMMISSION

(a) When requested by the employer and upon presentation of a completed Application for Commission as an Inspector of Boilers and Pressure Vessels, a North Carolina Commission, bearing the signature of the Commissioner or Chief Inspector, shall be issued by the Chief Inspector to persons holding a valid National Board Commission who have taken and passed the examination specified in 13 NCAC 13 .0202(b).

(b) Applications for a North Carolina Commission shall be processed upon proof of a National Board Commission and payment of a ~~thirty-five dollar ($35.00)~~ fifty dollar ($50.00) fee to the Department of Labor. New applicants shall pass an examination as required by G.S. 95-69.15(b) and shall pay an examination fee of two-hundred and fifty dollars ($250.00).

(c) North Carolina Commissions shall be valid on an annual basis through December 31, at which time the inspector's employer shall submit a renewal request letter and ~~a thirty-five dollar ($35.00)~~ the fifty dollar ($50.00) fee to the Department of Labor.

(d) The employing company shall immediately notify the Chief Inspector of the termination of any employee in possession of a North Carolina Commission.

(e) A North Carolina Commission may be suspended or revoked by the Commissioner in accordance with G.S. 95-69.11(20). Failure to conduct inspections in accordance with this Chapter shall constitute incompetence. Falsification of any statement in an application or inspection report, including a failure to inspect, shall constitute dishonesty. Suspension or revocation of a North Carolina Commission shall be based on evidence of incompetence or dishonesty.

(f) The Commissioner shall give notice of the commencement of proceedings for suspension or revocation of a commission pursuant to G.S. 150B-23. A North Carolina Commission may be suspended prior to the hearing if the Chief Inspector determines that, as a result of an inspector incompetence or dishonesty, the public health, safety, or welfare, is put at risk, the proceedings shall be promptly commenced and determined in accordance with G.S. 150B-3. The Commissioner's decision regarding the competency of an inspector shall be determined after comparing the inspector's knowledge, skill, and care taken during inspections with that possessed and employed by boiler and pressure vessel inspection personnel in good standing. Industry custom and practice shall be considered but are not determinative. The Commissioner shall give the inspector opportunity to show that he or she is conducting his or her duties in a competent manner and that suspension or revocation is unwarranted. If the inspector believes that the decision of the Commissioner is not warranted, the inspector may take exception to the determination, in which event the inspector may appeal the final determination of the action pursuant to G.S. 150B.

Authority G.S. 95-69.11; 95-69.15.

13 NCAC 13 .0210 ~~SHOP INSPECTIONS AND~~ NATIONAL BOARD "R" CERTIFICATE QUALIFICATION REVIEWS

~~(a) Shop Inspections.~~

~~(1) Manufacturers or repair firms seeking to employ the Boiler Safety Bureau to act as their Authorized Inspection Agency pursuant to the ASME Code or National Board Inspection Code, shall enter into a written agreement with the North Carolina Department of Labor, Boiler Safety Bureau for this purpose.~~

~~(2) An audit of the Deputy Inspector serving as the Authorized Inspector pursuant to Subparagraph~~

~~(a)(1) of this Rule, and the contracting company in which he or she is working shall be conducted on an annual basis. The contracting company shall pay the audit fees required in Rule .0213 of this Section.~~

~~(b)~~ National Board "R" Certificate Qualification Reviews

(1) The Chief Inspector, or the Chief Inspector's designee, shall conduct the qualification reviews for issuance or renewal of the National Board "R" certificate of authorization pursuant to the National Board Inspection Code as adopted. ~~adopted, except as provided in Subparagraph (b)(2) of this Rule.~~ In the event the Chief Inspector or their designee is unable to conduct qualification reviews, the National Board will take over such responsibilities.

~~(2)~~ ~~The Chief Inspector or his designee shall not conduct the qualification reviews of those companies for which the Boiler Safety Bureau provides inspection services, or those companies which specifically request the review be conducted by the National Board.~~

~~(3)~~(2) A review to be conducted by the Boiler Safety Bureau shall be scheduled upon receipt of request by the National Board.

Authority G.S. 95-69.11; 95-69.14.

13 NCAC 13 .0213 CERTIFICATE AND INSPECTION FEES

(a) An owner or user, or insurance company, shall pay a ~~fifty dollar ($50.00)~~ fifty-five dollar ($55.00) certificate and processing fee to the North Carolina Department of Labor for certificate inspections performed by an Insurance Inspector.

(b) An owner or user shall pay an inspection and certificate fee to the North Carolina Department of Labor for each boiler or pressure vessel inspected by a Deputy Inspector as follows:

Boilers - An inspection of a boiler where the heating surface is:	External	Internal
Less than 500 sq. ft.	~~$50.00~~ $70.00	~~$85.00~~ $119.00
500 or more sq. ft. but less than 5000 sq. ft.	~~$120.00~~ $168.00	~~$235.00~~ $329.00
5000 or more sq. ft.	~~$330.00~~ $462.00	~~$600.00~~ $840.00
Cast iron boilers	~~$50.00~~ $70.00	~~$80.00~~ $112.00
~~Locomotive boilers (Antique Exhibition/Show)~~	~~N/A~~	~~$150.00~~
~~Exhibition boilers (Antique Exhibition/Show)~~	~~N/A~~	~~$50.00~~
~~Hobby boilers~~	~~N/A~~	~~$50.00~~

Pressure Vessels - An inspection of a pressure vessel, other than a heat exchanger, where the product of measurement in feet of the diameter or width, multiplied by its length is:	External	Internal
Less than 50	~~$50.00~~ $70.00	~~$60.00~~ $84.00
50 or more but less than 70	~~$85.00~~ $119.00	~~$135.00~~ $189.00
70 or more	~~$135.00~~ $189.00	~~$190.00~~ $266.00

Heat Exchanger Pressure Vessels ~~Exchangers~~ - An inspection of a heat exchanger, where the heating surface is:	External
500 or more sq. ft. but less than 1000 sq. ft.	~~$60.00~~ $84.00
Less than 500 sq. ft.	~~$50.00~~ $70.00
1000 or more sq. ft. but less than 2000 sq. ft.	~~$90.00~~ $126.00
2000 or more sq. ft. but less than 3000 sq. ft.	~~$130.00~~ $182.00
3000 or more sq. ft.	~~$180.00~~ $252.00

Locomotive boilers (Antique Exhibition/Show)	$150.00
Exhibition boilers (Antique Exhibition/Show)	$50.00
Hobby boilers	$50.00

(c) In addition to the fees established in Paragraph (b) herein, a fee of ~~ninety dollars ($90.00)~~ one hundred and twenty-five dollars $125.00 per hour, including travel time, plus each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for each special inspection as defined by 13 NCAC 13 .0101(47) and for all inspections performed outside of normal working hours as defined by 13 NCAC 13 .0101(32).

~~(d) A fee of three hundred fifty dollars ($350.00) per one half day (four hours) or any part of one half day or five hundred sixty dollars ($560.00) for one day (four to eight hours) plus, in either case, each expense allowed by G.S. 138 6 and 138 7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for each shop inspection as defined by 13 NCAC 13 .0101(46).~~

~~(e)~~(d) A fee of ~~four hundred fifty dollars ($450.00)~~ five hundred dollars ($500.00) per one-half day (four hours) or any part of

one-half day or one thousand dollars ($1000.00) ~~six hundred ninety dollars ($690.00)~~ for one day (four to eight hours), plus, in either case, each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for audits as defined by 13 NCAC 13 .0101(4).

(e) Notwithstanding any provision of this Rule to the contrary, for fiscal years beginning on or after July 1, 2028, the Department shall adjust the fee amounts listed in this Rule in accordance with the percent change in the annual Consumer Price Index for All Urban Consumers (CPI-U) computed by the Bureau of Labor Statistics using the most recent 12-month period for which data is available. In no event shall the annual adjustment be less than zero percent (0%). The adjustment for fees under this section shall be rounded to the nearest one dollar ($1.00), and the Commissioner shall publish the current fees on the Department's website.

Authority G.S. 95-69.11.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02A .0109, .0110, readopt with substantive changes the rules cited as 15A NCAC 02A .0102, .0105, .0107; 02I .0203, .0501-.0503, .0602, .0603 and readopt without substantive changes the rules cited as 15A NCAC 02I .0101-.0103, .0105, and .0601.*

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.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules*

Proposed Effective Date: *May 1, 2027*

Public Hearing:
Date: *December 8, 2026*
Time: *5:30 p.m.*
Location: *1st Floor Training Room (#1210), DEQ Green Square Office Building, 217 West Jones Street, Raleigh, NC 27603, or virtually using Cisco WebEx, Digital Hearing Link: http://tinyurl.com/02Aand02I*
Meeting Password: fcBjq2Zgt36
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 2433 138 3763
If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on December 8, 2026.
To register, please click the following link: https://forms.cloud.microsoft/g/cv9Luv9Gzr
**For instructions on ways to join the public hearing, please refer to the following link: https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0*
**If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8495.*

Reason for Proposed Action: *Agencies are required to review their rules every 10 years pursuant to GS 150B-21.3A.*
15A NCAC 02A addresses delegations of authority from the Environmental Management Commission (EMC) to the Department of Environmental Quality (DEQ) and the composition of the NPDES Committee within the EMC. Two new rules are added to the Subchapter to include reporting requirements for DEQ to the EMC on delegated programs. The updated rules ensure current program names are used and consistency with federal requirements for delegated wastewater programs. No rules are proposed for repeal.
15A NCAC 02I addresses the EMC's requirements for hearings, petitions for rulemaking, and declaratory rulings. The scope of these rules includes all of the EMC's regulatory programs. Eleven rules are proposed for readoption, five of which include changes. The changed rules make clarifications to existing hearing processes before the EMC. No rules are proposed for repeal.
On September 10, 2026, the EMC approved proceeding to public comment on the proposed readoptions. The text of the rules and regulatory impact analyses are available on the EMC website: https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules

Comments may be submitted to: *John Evans, 1641 Mail Service Center, Raleigh, NC 27699-1641; phone (984) 236-1850; email daq.publiccomments@deq.nc.gov (Please type "02A and 02I Readoption" in subject line)*

Comment period ends: *January 4, 2027*

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 02 - ENVIRONMENTAL MANAGEMENT
SUBCHAPTER 02A - ORGANIZATION OF ENVIRONMENTALMANAGEMENT COMMISSION

15A NCAC 02A .0102 DEFINITIONS

The following definitions shall be used throughout this Subchapter:

~~(1) Commission shall mean the Environmental Management Commission;~~
~~(2) Secretary shall mean the Secretary, Department of Natural Resources and Community Development;~~
~~(3) Division shall mean the Division of environmental management, Department of Natural Resources and Community Development;~~
~~(4) Director shall mean the Director, Division of Environmental Management, Department of Natural Resources and Community Development;~~
~~(5) State shall mean the State of North Carolina.~~
(1) "Commission" means the North Carolina Environmental Management Commission.
(2) "Director" means Director of the Division of Air Quality, Director of the Division of Energy, Mineral, and Land Resources, Director of the Division of Mitigation Services, Director of the Division of Water Resources, or Director of the Division of Waste Management and their successors.
(3) "Division" means the Division of Air Quality, the Division of Energy, Mineral, and Land Resources, the Division of Mitigation Services, the Division of Water Resources, or the Division of Waste Management and their successors.
(4) "Secretary" means the Secretary of the Department of Environmental Quality.
(5) "State" means the State of North Carolina.

Authority G.S. 143-215.3(a)(1).

15A NCAC 02A .0105 DELEGATIONS OF AUTHORITY

~~(a) The N.C. Environmental Management Commission therefore resolves that:~~
~~(1) Whenever in these resolutions and rules there exists a delegation of authority to the Director, Office of Water and Air Resources (now the Division of Environmental Management), it shall become and read as a delegation of authority to the Secretary of the Department of Environment, Health, and Natural Resources to act on behalf of the N.C. Environmental Management Commission; and~~
~~(2) The Secretary of the Department of Environment, Health, and Natural Resources, in addition to the delegations mentioned in Paragraph (a)(1) of this Rule, is hereby delegated the authority to issue permits for the Environmental Management Commission as provided in N.C. General Statutes 143-215.1, 143-215.108, 143-215.109, 143-215.15, 143-215.28, and 87-88, and to approve the use of chemicals or other dispersants or treatment materials as provided in G.S. 143-215.84(a), and the Secretary or his delegate shall report all such issuances or approvals to the Commission; and~~
~~(3) The Secretary of the Department of Environment, Health, and Natural Resources may delegate such of these authorities to any qualified employee of the Department of Environment, Health, and Natural Resources upon a finding by the Secretary of necessity in order to effectively and efficiently administer and enforce the rules of the N.C. Environmental Management Commission.~~
~~(b) Power to Enter Operational Agreements. The Commission authorizes the Secretary, on behalf of the Commission, to enter into any future operational agreements among the Commission, the developer of a condominium project or projects, and the condominium homeowners' association. The purpose of the operational agreement is to provide for an orderly transfer of permits issued to condominium project developers by the Commission; to identify the party to whom the developer will transfer the permit; and to guarantee that transferee homeowners' associations will comply with conditions of permits issued developers.~~
~~(c) Therefore, the Environmental Management Commission hereby resolves that: The Secretary, Department of Environment, Health, and Natural Resources is authorized to:~~
~~(1) determine eligibility of applicants in accordance with Rule .0201, State Grants, found in Subchapter 2F of this Title;~~
~~(2) give public notice of each eligible application as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;~~
~~(3) notify the applicant of the Commissions' recommended grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;~~
~~(4) notify the applicant of a determination by the Commission of failure to qualify for a grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;~~
~~(5) forward to the Department of Administration a Certificate of Eligibility for each grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;~~

~~(6) prepare and file the annual report as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;~~

~~(7) redelegate any or all of the above duties to employees of the Division of Environmental Management.~~

(a) Subject to the provisions of 15A NCAC 02A .0109 and 15A NCAC 02A .0110, the NC Environmental Management Commission delegates to the Secretary of the Department of Environmental Quality, subject to the provisions contained in this Subchapter and Subchapter 02I, the authority to issue permits for the Environmental Management Commission as provided in G.S. 143-215.1, 143-215.108, 143-215.109, 143-215.15, 143-215.28, and 87-88. The Commission authorizes the Secretary to approve the use of chemicals or other dispersants or treatment materials as provided in G.S. 143-215.84(a), and the Secretary or his or her delegate shall report all such issuances or approvals to the Commission.

The Secretary may sub-delegate, in writing, such of these authorities to a qualified employee of the Department of Environmental Quality upon a finding by the Secretary of necessity in order to effectively and efficiently administer and enforce the rules of the NC Environmental Management Commission. The Secretary shall make available to the Commission on request, all written delegations and sub-delegations.

(b) Power to Enter Operational Agreements.

(1) The Commission authorizes the Secretary, on behalf of the Commission, to enter into any future operational agreements among the Commission, the developer of a condominium project or projects, and the condominium homeowners' association. The purpose of the operational agreement is to provide for an orderly transfer of permits issued to condominium project developers by the Commission; to identify the party to whom the developer will transfer the permit; and to guarantee that transferee homeowners' associations will comply with conditions of permits issued to developers.

(2) The Commission authorizes the Director of the Division of Water Resources to execute, and to amend, the Memorandum of Agreement with the United States Environmental Protection Agency required for the State's administration of the National Pollutant Discharge Elimination System program under 33 U.S.C. 1342(b) and 40 C.F.R. 123.24. Any such execution or amendment is subject to the prior written approval of the Commission.

Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4).

15A NCAC 02A .0107 CREATION OF N.P.D.E.S. COMMITTEE

(a) The Chair of the Commission shall appoint at least five members of the Commission to serve as the National Pollutant Discharge Elimination System (NPDES) Committee, to advise the Commission on matters related to that system.

(b) Appointees to the NPDES Committee shall be persons who do not receive, or during the previous 24 months have not received, a significant portion of their income directly or indirectly from NPDES permit holders or applicants for NPDES permits.

(c) For purposes of this Rule:

(1) The term "significant portion of their income" shall mean 10 percent of gross personal income for a calendar year, except that it shall mean 50 percent of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement, pension, or similar arrangement. ~~arrangement, including other forms of income.~~

(2) The "NPDES permit holders or applicants for NPDES permits" shall not include any department or agency of a state government.

(3) The term "income" includes, ~~but is not limited to,~~ retirement benefits, consultant fees, and stock dividends.

(4) Income is not received directly or indirectly from NPDES permit holders or applicants for NPDES permits where it is derived from mutual-fund payments, or from other diversified investments for which the recipient cannot identify the primary sources of income.

Authority G.S. 143-215.3(a)(1); 143B-283; 40 C.F.R. 123.25.

15A NCAC 02A .0109 REPORTING OF DELEGATED NPDES PERMIT ACTIONS

(a) Purpose. This Rule establishes the reporting required of the Director of the Division of Water Resources in connection with the authority delegated under Rule .0105 of this Section to act on permits, certifications, and other authorizations under the National Pollutant Discharge Elimination System (NPDES) program, and conditions the continuation of that delegation upon compliance with this Rule. This Rule does not alter any obligation of the State under its Memorandum of Agreement with the United States Environmental Protection Agency developed in accordance with 40 CFR Part 123.

(b) Reporting. No later than ten days before each regular meeting of the Commission, the Director shall submit to the Chair of the Commission a report of the following actions taken under the delegated NPDES authority since the preceding report:

(1) total number of NPDES permits issued;

(2) copies of all correspondence to and from the federal EPA related to any proposed revision of the State NPDES Program submitted to EPA for approval pursuant to 40 CFR 123.62;

(3) copies of any objections, general or specific, issued by EPA pursuant to 40 CFR 123.44 and actions taken by the DEQ to eliminate the objection;

(4) a list of NPDES permits for which the applicant/permittee filed a petition for contested case hearing in accordance with the

NC Administrative Procedure Act, G.S. 150B, Article 3, and the status of the petition; and

(5) copies of any Notice of Intent to Sue received by the Department of Environmental Quality pursuant to 33 U.S.C. 1365 and 40 CFR Part 135 and a summary of correspondence related to the same.

(c) Nothing in this Rule limits the authority of the Commission pursuant to G.S. 143-215.3 to require information or to conduct investigations.

Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4).

15A NCAC 02A .0110 REPORTING OF DELEGATED AIR PERMIT ACTIONS

(a) Purpose. This Rule establishes the reporting required of the Director of the Division of Air Quality in connection with the authority delegated under Rule .0105 of this Subchapter to act on permits, certifications, and other authorizations pursuant to G.S. 143-215.108 and 143-215.109.

(b) Reporting. No later than ten days before each regular meeting of the Commission, the Director shall submit to the Chair of the Commission a report of the following actions taken since the preceding report:

(1) total number of permits issued pursuant to 15A NCAC 02Q .0500.

(2) summary of any State Implementation Plan Submittal to the federal EPA and correspondence to and from the federal EPA related to the review and approval of the submittal;

(3) copies of any objections, general or specific, issued by EPA pursuant to 40 CFR 70.8 and actions taken by the Department of Environmental Quality to eliminate the objection;

(4) a list of permits for which the applicant/permittee filed a petition for contested case hearing in accordance with the NC Administrative Procedure Act, G.S. 150B, Article 3, and the status of the petition; and

(5) copies of any Notice of Intent to Sue received by the Department of Environmental Quality pursuant to 42 U.S.C. 7604 and 40 C.F.R. Part 54 and a summary of correspondence related to the same.

(c) Nothing in this Rule limits the authority of the Commission pursuant to G.S. 143-215.3 to require information or to conduct investigations.

Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4).

SUBCHAPTER 02I - HEARINGS

SECTION .0100 - SCOPE: DEFINITIONS: DELEGATIONS

15A NCAC 02I .0101 PURPOSE OF THIS SUBCHAPTER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

In instances where Rules related to hearings conducted by a Division are not codified, these Rules authorize the designation of employees of the Department as hearing officers, set out the types of hearings which the designated employees are authorized to conduct, and delineate and reference the rules of procedure for conducting rulemaking or other hearings.

Authority G.S. 143-215.3(a)(1),(3).

15A NCAC 02I .0102 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

The terms used herein shall be as defined in G.S. 143-213 and 150B-2 and as follows:

(1) "Commission" means the North Carolina Environmental Management Commission.

(2) "Department" means the Department of Environmental Quality, and its successor.

(3) "Director" means Director of the Division of Air Quality, Director of the Division of Energy, Mineral, and Land Resources, Director of the Division of Mitigation Services, Director of the Division of Water Resources, or Director of the Division of Waste Management and their successors.

(4) "Division" means the Division of Air Quality, the Division of Energy, Mineral, and Land Resources, the Division of Mitigation Services, the Division of Water Resources, or the Division of Waste Management and their successors.

Authority G.S. 143-215.3(a)(1); 143B-282.

15A NCAC 02I .0103 DELEGATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Unless otherwise directed by the Chair of the Commission, pursuant to Rule .0105 of this Section, the Director is authorized to designate hearing officers, establish the hearings, issue notices and perform other administrative functions in accordance with these Rules. The Director shall advise the Commission at its regularly scheduled meetings of any public hearings held or scheduled since the Commission's last meeting.

Authority G.S. 143-215.3(a)(3),(4).

15A NCAC 02I .0105 REQUIREMENTS OF HEARING OFFICER OR PANEL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notwithstanding Rule .0103 of this Section, the Chair of the Commission may designate one or more of Commission members as hearing officer(s) for any hearing. A Commission member may be designated based on factors such as availability, expertise, interest, or the subject matter of the Rule(s).

Authority G.S. 143-215.3(a)(3).

SUBCHAPTER 02I - HEARINGS

SECTION .0200 - RULE MAKING HEARINGS: NOTICE: PROCEDURES

15A NCAC 02I .0203 ~~PROCEDURES~~ PUBLIC COMMENT ON RULEMAKINGS

(a) Any person desiring to comment on ~~the proposed action~~ a proposed rulemaking action may do so either in writing or by oral presentation. Any person may file ~~a~~ written ~~statement or argument~~ comments concerning the proposed rulemaking action prior to the close of the hearing record.

(b) The hearing officer(s) shall consider all written and oral submissions and submit recommendations concerning the proposed rulemaking action to the Commission following the close of the hearing record.

Authority G.S. 143-214.1(e); 143-215.13(c).

SECTION .0500 - PETITIONS FOR RULEMAKING

15A NCAC 02I .0501 FORM AND CONTENTS OF PETITION

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Commission shall make the request in a petition addressed to the Director of the appropriate division of the Department ~~of Environmental Quality~~, and a copy in electronic form shall also be sent to the Recording Clerk of the Commission:

Director
Division of Air Quality
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Director
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

Director
Division of Mitigation Services
1652 Mail Service Center
Raleigh, North Carolina 27699-1652

Director
Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Director
Division of Water Resources
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Recording Clerk of the Commission
Directors Office
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611
EMCclerk@deq.nc.gov

(b) The petition shall contain the following information:

(1) the text of the proposed rule(s) for adoption or amendment;
(2) a statement of the reasons for adoption or amendment of the proposed rule(s), or the repeal of an existing rule(s);
(3) a statement of the effect on existing rules or orders;
(4) the name(s) and address(es) of the petitioner(s); and
(5) a request to present ~~the petition to the committee in accordance with Rule .0502 of this Section,~~ an oral argument concerning the petition, if desired.

(c) ~~In its review of the proposed rule, the Commission shall consider whether it has authority to adopt the rule; the effect of the proposed rule on existing rules, programs, and practices; probable costs and cost factors of the proposed rule; and the impact of the rule on the public and regulated entities.~~ The petitioner may include the following information within the request:

(1) the statutory authority for the agency to promulgate the rule(s);
(2) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including cost factors for persons affected by the proposed rule(s);
(3) a statement explaining the computation of the cost factors;
(4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rule(s); and
(5) documents and data supporting the proposed rule(s).

(d) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the petitioner by the Director on behalf of the Commission.

Authority G.S. 143B-282; 150B-20.

15A NCAC 02I .0502 REVIEW BY A COMMITTEE OF THE COMMISSION

(a) The Chair of the Commission may refer complete petitions to the appropriate subject area Committee of the Commission for review and recommended action. Copies of petitions for rulemaking shall be distributed to the Commission members when referred to a Committee of the Commission.

(b) Within 10 days of the assignment of the complete petition, the Chair of the Committee assigned to review a submitted petition for rulemaking shall announce the date of a meeting to consider the petition.

(c) At least 15 days before the Committee meeting, notice of the Committee meeting shall be sent to the petitioner, members of the Commission, and persons who have requested notice of petitions for rulemaking.

(d) If the petition is referred to a Committee, the petitioner shall be afforded the opportunity to present the petition for rulemaking to the Committee. The Director, ~~division~~ Division staff or their legal counsel may make a presentation to the Committee.

(e) In consultation with the Commission Chair, ~~The~~ the Chair of the Committee shall allow one interested person to present the viewpoint of those who oppose ~~initiating rulemaking~~ the rulemaking petition. ~~The Chair of the Committee may determine whether additional interested persons shall make oral presentations before the Committee.~~ The decision of which person speaks against the petition shall be made by the Chair of the Commission.

(f) At least 10 days before the Committee meeting, interested persons shall request the opportunity to make a presentation to the Committee through the Director. The request shall:

(1) state the interest of the person;
(2) state the person's position on the petition for rulemaking; and
(3) be accompanied by supporting materials.

(g) During the Committee's review, members of the Commission, other than Committee members, who are present may participate as a member of the Committee in discussions of the petition but may not vote on the recommended action on the petition.

Authority G.S. 143B-282; 150B-20.

15A NCAC 02I .0503 PRESENTATION TO THE COMMISSION

(a) Petitions for rulemaking shall be presented to the Commission for its consideration and determination at a meeting of the Commission within 120 days following the date of submittal of the petition to the appropriate Division pursuant to Rule .0501 of this Section. If the petition for rulemaking was reviewed by a Committee pursuant to Rule .0502 of this Section, the petition and the Committee's recommended action shall be presented through the Chair of the Committee or other designated member of the Committee during the business session of the Commission. Unless the Chair of the Commission rules otherwise, discussion on the petition shall be limited to the members of the Commission, counsel to the Commission, the Director, or the Division's legal counsel and the petitioner or its legal counsel.

(b) For petitions not referred to a Committee, the Chair of the Commission shall allow the petitioner to present the petition for rulemaking to the Commission, and one interested person to present the viewpoint of those who oppose ~~initiating rulemaking~~ the petition. The Chair of the Commission may determine whether additional interested persons shall make oral presentations before the Commission. At least 10 days before the Commission meeting, interested persons shall request the opportunity to make a presentation to the Commission through the Director. The request shall:

(1) state the interest of the person;
(2) state the person's position on the petition for rulemaking; and
(3) be accompanied by supporting materials.

(c) In its review of the petition, the Commission may consider any relevant factor bearing on whether to grant or deny the petition, including: whether the Commission has authority to adopt the proposed rule; the effect of the proposed rule on existing rules, programs, and practices; the probable costs and cost factors associated with the proposed rule; and the impact of the proposed rule on the public, the regulated community, and affected governmental entities.

~~(c)~~(d) Within 120 days following submittal of the petition to the appropriate Division the Commission shall:

(1) grant the petition in writing, notify the petitioner and initiate rulemaking proceedings in accordance with G.S. 150B-20; or
(2) deny the petition in writing, stating the reason or reasons for the denial, and send the written denial to the person(s) who submitted the petition.

Authority G.S. 143B-282; 150B-20.

SECTION .0600 - DECLARATORY RULINGS

15A NCAC 02I .0601 ISSUANCE OF DECLARATORY RULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

At the request of any person aggrieved, as defined in G.S. 150B-2(6), the Commission may issue a declaratory ruling as provided in G.S. 150B-4 and the Rules of this Section.

Authority G.S. 143B-282; 150B-4.

15A NCAC 02I .0602 PROCEDURE FOR SUBMISSION OF PETITION

(a) All requests for a declaratory ruling shall be filed with the Director of the appropriate Division and a copy in electronic form shall also be sent to the Recording Clerk of the Commission:

Director
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

Director
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

Director
Division of Mitigation Services
1652 Mail Service Center
Raleigh, NC 27699-1652

Director
Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Director
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611
Recording Clerk of the Commission
Directors Office
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611
EMCclerk@deq.nc.gov

(b) All requests shall include the following:
(1) name and address of petitioner(s);
(2) the rule, statute or order upon which a ruling is desired;
(3) a statement as to whether the request is for a ruling on:
(A) the validity of a rule;
(B) the applicability of a rule, order or statute to a given factual situation; or
(C) a conflict or inconsistency within the Commission or the Department regarding interpretation of a law or rule adopted by the Commission;
(4) arguments or data which demonstrate that the petitioner is aggrieved by the rule or statute or its potential application to the petitioner;
(5) a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner;
(6) a draft of the proposed ruling; and
(7) a statement of whether an oral argument is desired, and, if so, the reason(s) for requesting such an oral argument.

(c) A request for a ruling on the applicability of a rule, order, or statute shall include a statement of the specific facts to a given factual situation and documentation supporting those ~~facts~~ facts, including provisions contained in a draft or proposed permit. A request for a ruling on the validity of a Commission rule shall state the aggrieved person's reason(s) for questioning the validity of the rule and a brief or legal memorandum supporting the aggrieved person's position. A request for a ruling to resolve a conflict or inconsistency within the Commission or the Department regarding interpretation of a law or rule adopted by the Commission shall include a written description identifying the conflict or inconsistency, the relevant Division(s) and program area(s), the interpretation provided by the agency, and the law or rule in question. A person may ask for multiple types of declaratory rulings in a single request.

(d) In the manner provided in G.S. 150B-23(d), any other person may request to intervene in the request for declaratory ruling. ~~The request to intervene shall be determined by the Chair of the Commission.~~ The Chair of the Commission shall determine whether to grant or deny the request to intervene and, if granted, shall determine the extent to which the intervenor will be permitted to participate.

(e) Stay pending declaratory ruling. A petitioner who is also an applicant for a permit, or for a revision to a permit, then pending before any Division of the Department may request, in a writing submitted contemporaneously with the petition for declaratory ruling or no later than ten days thereafter, that the Chair stay further proceedings on the permit application, until the Commission reaches a final disposition of the petition pursuant to Rule .0603 of this Section.
(1) The authority to act upon a stay request under this Paragraph is delegated to the Chair of the Commission. The Chair may grant the request only upon a showing of good cause, and only to the extent the stay is authorized by, and not inconsistent with, applicable law, including any statutory deadline governing the permit application.
(2) A stay request filed pursuant to this Paragraph shall:
(A) set forth with particularity the nexus between the legal or regulatory question presented in the declaratory ruling petition and the substance, conditions, or scope of the pending permit application; and
(B) demonstrate that proceeding with the permit application, or imposing the contested condition, in the absence of a stay would cause the petitioner to suffer prejudice not adequately remedied by the Commission's subsequent disposition of the petition.
(3) Before granting a stay, the Chair shall afford notice and a reasonable opportunity for the Department to respond.
(4) The Chair shall notify the members of the Commission when a stay has been requested and whether the stay request has been granted or denied.

Authority G.S. 143B-282; 150B-4.

15A NCAC 02I .0603 DISPOSITION OF REQUEST

(a) The Chair of the Commission shall make a determination on the completeness of the request for declaratory ruling based on the requirements of this Section.

(b) Before the Commission decides the merits of the request, the Chair of the Commission may:
(1) request additional written submissions from the petitioner(s);
(2) request a written response from the Department or any other person;
(3) allow the petitioner to file a reply to the response submitted in Subparagraph (2) of this Paragraph; or
(4) request oral arguments from the petitioner(s) and Department staff or their legal counsel.

(c) The Commission shall make a decision to grant or deny the request according to G.S. 150B-4.

(d) The Commission shall deny the request upon making any of the following findings:
(1) the request is not complete;
(2) the petitioner is not a person aggrieved; as defined in G.S. 150B-2(6);
(3) there has been a similar determination in a previous contested case or declaratory ruling;
(4) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or federal court;
(5) no genuine controversy exists as to the application of a statute, order, or rule to the factual situation presented;
(6) the factual context put forward as the subject of the declaratory ruling was considered upon the

adoption of the rule being questioned, as evidenced by the rulemaking record;

(7) the information provided by the petitioner, the Department, or any interveners does not support a determination that a rule is invalid; or

(8) there is no material conflict or inconsistency within the Commission or Department regarding the law or rule identified by the petitioner.

(e) The Commission shall keep a record of each declaratory ruling, which shall include the following items:

(1) the request for a ruling;

(2) any written submission by a party;

(3) the given state of facts on which the ruling was based;

(4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;

(5) any other matter considered by the Commission in making the decision; and

(6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons therefore.

(f) For purposes of this Section, a declaratory ruling shall be deemed to be in effect until:

(1) the statute or rule interpreted by the declaratory ruling is repealed or the relevant provisions of the statute or rule are amended or altered;

(2) any court of the Appellate Division of the General Court of Justice construes the statute or rule which is the subject of the declaratory ruling in a manner that is irreconcilable with the declaratory ruling;

(3) the Commission changes the declaratory ruling prospectively; or

(4) any court sets aside the declaratory ruling in litigation between the Commission or Department and the party requesting the ruling.

Authority G.S. 143B-282; 150B-4.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0333, .0347, and repeal the rules cited as 15A NCAC 10F .0344, and .0351.*

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

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncwildlife.gov/proposedregulations*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *December 1, 2026*
Time: *2:00 p.m.*
Location: *Zoom meeting. Registration required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_s1kwiwiAQV2zn7dumfxNPQ or Join By Phone: Toll Free (833)568-8864, Webinar ID: 165 703 8811*

Reason for Proposed Action: *The proposed amendments to 15A NCAC 10F .0333 Mecklenburg and Gaston Counties add a new no-wake zone at Morningstar Marinas Harbortowne, explicitly list bridges and boating access areas previously covered by blanket rule language, and improve conciseness and consistency in rule language. Coordinates and addresses are added where appropriate.*

The proposed amendments to 15A NCAC 10F .0347 Craven County add a new no-wake zone in the waters of the canal between Brice Creek and the waters known as the Rock Quarry, add no-wake zones currently listed in 15A NCAC 10F .0344 Town of River Bend and 15A NCAC 10F .0351 New Bern, and improve conciseness and consistency in rule language. Coordinates and addresses are added where appropriate.

15A NCAC 10F .0351 New Bern and 15A NCAC 10F .0344 Town of River Bend are proposed for repeal. Both municipalities are located within Craven County; therefore, it is unnecessary and confusing to have separate rules for these municipalities. By combining all the no-wake zones into the Craven County rule, we make it easier for the regulated community to reference the full list of no-wake zones in their area.

Comments may be submitted to: *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov*

Comment period ends: *January 5, 2027*

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 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

(a) ~~Regulated Areas. This Rule applies to~~ No person shall operate a vessel at greater than no-wake speed within the following waters of Lake Wylie and the Catawba River in Mecklenburg and Gaston counties:

(1) ~~McDowell Park. The~~ the waters of the coves adjoining McDowell Park and the Southwest Nature Preserve, ~~Preserve in Mecklenburg County~~ shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 81.02964 W; ~~80.02964 W;~~

(2) ~~Gaston County Wildlife Club Cove. The~~ the waters of the cove west of the Gaston County Wildlife Club on South Point Road, ~~Road in Belmont,~~ shore to shore, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;

(3) ~~Buster Boyd Bridge. The~~ the waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 ~~in Mecklenburg County~~ at 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at 35.10165 N, 81.04070 W;

(4) ~~N.C. Highway 27 Bridge. The~~ the waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge ~~in Mecklenburg and Gaston counties~~ at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;

(5) ~~Brown's Cove. The area~~ the waters beginning at the mouth of Brown's Cove, ~~Cove in Mecklenburg County~~ shore to shore, ~~at~~ from a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;

(6) ~~Paradise Point Cove. The~~ the waters of Paradise Point Cove, shore to shore, ~~Cove in Gaston County~~ between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;

(7) ~~Withers Cove. The~~ the waters of Withers Cove, ~~Cove in Mecklenburg County,~~ shore to shore, southeast of a line beginning ~~at a line~~ north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;

(8) the waters of the Catawba River, shore to shore, beginning at a line from a point on the west shore of the Catawba River at 35.27481 N, 81.0138 W, east to a point on the east shore of the Catawba River at 35.27423 N, 81.01111 W, extending south to the following two lines:

(A) a line, shore to shore, west of Sadler Island from a point on the west shore at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island 35.27051 N, 81.01396 W; and

(B) a line, shore to shore, east of Sadler Island from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the east shore at 35.26494 N, 81.01368 W.

~~(8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;~~

~~(9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;~~

(9) the waters shore to shore, from a point 50 feet northwest of the N.C. Highway 279 bridge, otherwise known as South New Hope Road, at 35.15156 N, 81.05830 W, to a point 50 feet southeast of the N.C. Highway 279 bridge at 35.15137 N, 81.05788 W;

(10) ~~Yachtsman on Lake Wylie Community. The~~ the waters within 50 yards of the community piers near the terminus of Waterside Drive, ~~Drive in Mecklenburg County,~~ and northward to include the waters east of the island ~~that is~~ west of Point Lookout Road, ending at a line from a point on

the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;

(11) ~~Brown's Cove. The~~ the waters of Brown's Cove, shore to shore ~~Cove in Mecklenburg County,~~ beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;

(12) the waters shore to shore, from a point 50 feet northwest of the N.C. Highway 237 bridge, otherwise known as Armstrong Road, at 35.16690 N, 81.03833 W, to a point 50 feet southeast of the N.C. Highway 237 bridge at 35.16678 N, 81.03788 W;

(13) the waters shore to shore, from a point 50 feet north of the railroad trestle crossing the Catawba River, at 35.23584 N, 81.01082 W, to a point 50 feet south of the trestle at 35.23549 N, 81.01094 W;

(14) the waters shore to shore, from a point 50 feet north of the U.S. Highway 29/74 bridge, otherwise known as Wilkinson Boulevard, at 35.24595 N, 81.00907 W, to a point 50 feet south of the U.S. Highway 29/74 bridge at 35.24559 N, 81.00923 W;

(15) the waters shore to shore, from a point 50 feet north of the Interstate 85 bridge, otherwise known as Cameron Morrison Bridge, at 35.25812 N, 81.01399 W, to a point 50 feet south of the Interstate 85 bridge at 35.25745 N, 81.01373 W;

(16) the waters shore to shore, beginning at a line 55 yards north of Morningstar Marinas Harbortowne, 220 Commodore Court, Belmont, from a point on the west shore at 35.16203 N, 81.03606 W, to a point on east shore at 35.16278 N, 81.03259 W, south to a line 100 yard south of Morningstar Marinas Harbortowne, from a point on the west shore at 35.15988 N, 81.03548 W, to a point on the east shore at 35.15986 N, 81.03232 W;

~~(12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont; and~~

~~(13)~~(17) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road, Charlotte, ~~Road in Charlotte, and including~~ and the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 ~~W.~~ W; and

(18) the waters within 50 yards of the South Point Boating Access Area, 199 Boat Launch Road, Belmont.

~~(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described in Paragraph (a) of this Rule.~~

~~(c)~~(b) ~~Restricted Area.~~ No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the swimming ~~restricted~~ area ~~with swim beach~~ at the South Point Access Area ~~in Gaston County,~~ at 199 Boat Launch Road, Belmont, ~~Road in Belmont,~~ north of the markers ~~rope~~ in the cove east of the South Point Boating Access Area.

~~(d)~~(c) ~~Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:~~ The following shall be the designated agencies for placement of markers implementing this Rule:

(1) the Lake Wylie Marine Commission for the ~~regulated~~ areas designated in Subparagraphs (a)(1) through (17) of this Rule; ~~(11), and (13);~~

(2) the North Carolina Wildlife Resources Commission for the ~~regulated~~ area designated in Subparagraph (a)(18) of this Rule; and ~~(a)(12); and~~

(3) Duke Energy Carolinas, LLC for the ~~restricted~~ swimming area designated in Paragraph (b) of this Rule. ~~(c).~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0344 TOWN OF RIVER BEND

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0347 CRAVEN COUNTY

(a) ~~Regulated Areas. This Rule applies to~~ No person shall operate a vessel at greater than no-wake speed within the following waters in Craven County:

(1) ~~New Bern:~~

~~(A)~~ ~~the portion of Northwest Creek from the entrance buoys at Northwest Creek Marina, north of a~~ the waters of Northwest Creek, shore to shore, beginning at a line from a point on the east shore at 35.06357 N, 76.96934 W to a point on the west shore at 35.06343 N, 76.97106 W, north to ~~south of~~ a line from a point on the east shore of Northwest Creek at 35.06903 N, 76.97030 W to a point on the west shore at 35.06779 N, 76.97225 W, and northeast to ~~include all~~ the waters, shore to shore, of the bulkheaded area of Fairfield Harbour otherwise known as Spring Creek;

~~(B)~~(2) the waters of Olde Towne Lake, shore to shore from its intersection with the Trent River west of a point at 35.08098 N, 77.05833 W;

~~(C)~~(3) the waters within 50 yards of the Spring Garden Boating Access Area on the Neuse River, 585 NW Craven Middle School Road, New Bern;

~~(D)~~(4) the waters within 50 yards of Cool Springs Boating Access Area on Swift Creek, 1065 Cool Springs Road, New Bern;

~~(E)~~(5) the waters within 50 yards of Brices Creek Boating Access Area on Brice Creek, 953 Perrytown Road, New Bern; ~~and~~

~~(F)~~(6) ~~the portion of Brice Creek~~ the waters of Brice Creek, shore to shore, beginning 50 yards north of the Brices Creek Bridge on Brices Creek Road, ~~shore to shore,~~ at 35.06913 N, 77.06806 W, south-southwest around Merchant's Grocery, ~~docking facilities,~~ the fuel dock, and ~~a~~ the public boat ramp, then southeastward, south of the peninsula and sharp curve on the east side of Brice Creek to a line from a point on the west shore at 35.06587 N, 77.07078 W to a point on the east shore at 35.06638 N, 77.06893 W; ~~W.~~

~~(2) Havelock:~~

~~(A)~~(7) the waters of the triangular area ~~in the waters~~ at the end of the Temples Point ~~Bishops~~ Marina main pier located at the confluence of Clubfoot and Mitchell Creeks off of the Neuse River, between a point 300 feet west ~~east~~ of the pier at 34.90619 N, 76.76490 W, ~~and~~ a point 300 feet east ~~west~~ of the pier at 34.90610 N, 76.76262 W, and a point 150 feet south of the pier at 34.90571 N, 76.76377 W;

~~(B)~~(8) the waters ~~the portion~~ of Southwest Prong Slocum Creek, shore to shore beginning at ~~east of~~ a line from a point on the north shore at 34.89122 N 76.92302 W to a point on the south shore at 34.89102 N, 76.92304 W and extending northeast, ~~shore to shore~~ to a line from a point on the north shore at 34.89370 N, 76.92109 W to a point on the southeast shore at 34.89358 N, 76.92089 W;

~~(C)~~(9) the waters within 50 yards of the Slocum Creek Boating Access Area on Slocum Creek, 99 U.S. Highway 70 W, Havelock; ~~and~~

~~(D)~~(10) the waters within 50 yards of the ~~Hancock Creek~~ Percy Berry Boating Access Area on Hancock Creek, 1100 Cahoogue Creek Road, Havelock; ~~Havelock.~~

~~(3)~~(11) ~~Trent Woods. The~~ the waters within 50 yards of the fuel dock at Eastern Carolina Yacht Club on the Trent River at 4005 Trent Pines Drive, Trent Woods; ~~Woods.~~

~~(4)~~(12) ~~Bridgeton. The~~ the waters within 50 yards of the Bridgeton Boating Access Area on the Neuse River, 880 Wildlife Road, New Bern; ~~Bridgeton.~~

~~(5)~~(13) ~~Grifton. The~~ the waters within 50 yards of the Maple Cypress Boating Access Area on the Neuse River, 360 Maple Cypress Road, Grifton; ~~Grifton.~~

~~(6)~~(14) ~~Vanceboro. The~~ the waters within 50 yards of the Cow Pen Landing Boating Access Area on the Neuse River, 1199 Cow Pen Landing Road, Vanceboro; ~~Vanceboro.~~

(15) the waters within 50 yards of the Lees Landing Boating Access Area on Upper Broad Creek, 3337 Lee Landing Road, New Bern;

(16) the waters of Plantation Canal, shore to shore, beginning at its entrance from the Trent River at a line from a point on the northeast shore at 35.07226 N, 77.13303 W, to a point on the south shore at 35.07187 N, 77.13335 W, including the waters of the River Bend Yacht Club Marina Basin;

(17) the waters of Island Lake, shore to shore, and its access waters off of the Trent River terminating at a point at 35.06508 N, 77.13600 W and at a point at 35.06653 N, 77.13716 W;

(18) the waters shore to shore between the Trent River Railroad Bridge and the Trent River Bridge on East Front Street; and

(19) the waters of the canal between Brice Creek and the waters known as the Rock Quarry, shore to shore, northeast of a point at 35.06743 N, 77.05857 W, and southwest of a point at 35.06760 N, 77.05802 W.

~~(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described in Paragraph (a) of this Rule.~~

~~(c)~~(b) ~~Placement of Markers.~~ The following shall be the designated agencies for placement of markers implementing this Rule:

(1) ~~the Board of Commissioners of~~ Craven County for the areas designated in ~~shall be the designated agency for placement in regulated areas indicated in Parts (a)(1)(A), (B), and (F), Part (a)(2)(A); and Subparagraph (a)(3)~~ Subparagraphs (a)(1), (2), (6), (7), and (11) of this Rule;

(2) the City of Havelock for the area designated in ~~shall be the designated agency for placement in the regulated area indicated in Part (a)(2)(B)~~ Subparagraph (a)(8) of this Rule; ~~and~~

(3) the Town of River Bend for the areas designated in Subparagraphs (a)(16) and (17) of this Rule;

(4) the City of New Bern for the areas designated in Subparagraphs (a)(18) and (19) of this Rule; and

~~(3)~~(5) the North Carolina Wildlife Resources Commission for the areas designated in ~~shall be the designated agency for placement and maintenance of markers in the regulated areas in Parts (a)(1)(C), (D), and (E), Parts (a)(2)(C) and (D), and Subparagraphs (a)(4) through (6)~~ Subparagraphs (a)(3) through (5), (9), (10), and (12) through (15) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0351 NEW BERN

Authority G.S. 75A-3; 75A-15.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rules cited as 16 NCAC 06C .0404, .0405, .0408, and .0409.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.dpi.nc.gov/about-dpi/state-board-education/rulemaking-information*

Proposed Effective Date: *March 1, 2027*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Contact Ryan Collins via email (ryan.collins@dpi.nc.gov) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).*

Reason for Proposed Action: *Session Law 2026-40, enacted July 1, 2026, overhauled the State Human Resources Act and enacted numerous substantive changes affecting public school employee benefits. Among those changes was extending the amount of paid parental leave available to eligible State employees and public school employees from 8 weeks for birthing parents and 4 weeks for non-birthing parents to 12 weeks for all parents. The statutory change requires a conforming amendment to State Board of Education Rule 16 NCAC 06C .0408, which governs paid parental leave. In addition, the State Human Resources Commission has proposed repealing several existing rules that are cross-referenced in the State Board of Education's rules governing leave with pay (06C .0404), leave without pay (06C .0405), and vacation leave (06C .0409). Minor technical changes to these rules are necessary to ensure continued conforming with existing law and SHRC policy.*

Comments may be submitted to: *Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov*

Comment period ends: *January 4, 2027*

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 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C PUBLIC SCHOOL PERSONNEL

SECTION .0400 – SALARIES AND BENEFITS

16 NCAC 06C .0404 LEAVE WITH PAY

(a) A local school administrative unit ("LSAU") shall provide permanent employees with leave with pay under the circumstances set forth in this Rule.

(b) Except where otherwise provided below, the LSAU shall pay any substitute employee hired to fulfill the duties of an employee on leave with pay from the same funding source as the employee taking the leave.

(c) The LSAU shall not deduct from a permanent employee's salary if the employee is absent from the employee's regularly scheduled duties for any of the following reasons:

(1) The employee is on sick leave in accordance with Rule .0402 of this Section.

(2) The employee's supervisor has granted the employee leave to represent the school or LSAU at a community event. The LSAU shall pay any substitute employee hired under these circumstances from local funds.

(3) The employee is attending meetings or performing duties as a member of the State Board of Education; the State Textbook Commission; the Board of Governors of the North Carolina Governor's School; or a commission or committee appointed by the Governor, the Superintendent of Public Instruction, the State Board of Education, or the General Assembly.

(4) The employee is summoned to jury duty, or is required to attend court, a deposition, or other legal proceeding in connection with the employee's official duties or in response to a subpoena or court order to testify as a witness to a crime. If the employee is required to attend court as a plaintiff, defendant, or witness in relation to a personal matter, whether or not in response to a subpoena or court order, the employee must use available leave time. The employee shall return to the LSAU any fees, other than travel reimbursement or per diem, that the employee earns from serving as a witness in connection with the employee's official duties.

(5) The local superintendent assigns the employee to attend professional training or participate in another school program outside the employee's regular duties. The LSAU shall pay any

substitute employee hired under these circumstances from local funds.

(6) The local superintendent or designee has suspended the employee with pay under G.S. 115C-325(f1) or 115C-325.5. The LSAU shall pay any substitute employee hired to cover for the suspended employee a salary based on the substitute's qualifications under Section .0300 of this Subchapter.

(7) The employee is on military leave with pay in accordance with ~~25 NCAC 01E .0802 .0821.~~ 16 NCAC 06C .0406.

(8) The employee suffers an injury or disability that is covered by G.S. 115C-338.

(9) The employee requests leave to observe a bona fide religious holiday, provided the employee is permitted no more than two such observance days in one school year. The employee shall use available vacation leave, subject to the requirements of Rule .0409 of this Section, use personal leave, subject to the requirements of G.S. 115C-302.1(d), or make up the time absent from work at a time and under circumstances approved by the employee's supervisor. The employee shall not request such leave time on days that are already scheduled as vacation days or paid holidays in the school calendar.

(10) Upon recommendation of the local superintendent, the local board of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee while the employee is on leave. During such leave time, the employee shall earn sick leave, vacation leave, personal leave, and paid holidays.

Authority G.S. 115C-12(8); 115C-300; 115C-302.1; 115C-325; 115C-325.5; 115C-338; 115C-408.

16 NCAC 06C .0405 LEAVE WITHOUT PAY

(a) A local school administrative unit shall allow leaves of absence without pay for permanent employees under the following circumstances:

(1) The employee is on military leave without pay in accordance with ~~25 NCAC 01E .0802 .0821.~~ 16 NCAC 06C .0406.

(2) The employee gives birth to or adopts a child. The employee may take up to 12 months of leave without pay, beginning on the date of the birth or finalization of the adoption. This provision is in addition to any paid parental leave to which the employee may be entitled under Rule .0408 of this Section.

(3) Other such circumstances deemed appropriate by the local superintendent or designee in accordance with policies adopted by the local board of education.

(b) The employee shall provide advanced notice to the LSAU of the employee's request for a leave of absence, in accordance with policies adopted by the local board of education.

(c) The LSAU shall determine the start and end dates for a leave of absence, except for military leave without pay.

(d) The LSAU may provide a leave of absence to allow the employee to pursue an educational degree or other credential but shall not use state funds to pay any substitute employee hired to fulfill the duties of the absent employee.

Authority G.S. 115C-12(8); 115C-336.1; 115C-408; 126-8.6.

16 NCAC 06C .0408 PARENTAL LEAVE

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

(1) "Child" means a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is an eligible employee.

(2) "Continuous" leave means leave taken over a continuous period for the full amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule.

(3) "Eligible employee" means a person employed to fill a permanent, probationary, or time-limited position in a public-school unit ("PSU") who meets the eligibility requirements set forth in Paragraph (b) of this Rule. "Eligible employee" shall not include temporary employees or independent contractors.

(4) "Intermittent" leave means leave taken in separate periods for a single qualifying event that cumulatively equal the amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule. Intermittent leave may include periods of leave ranging from half of an employee's regularly scheduled workday to several consecutive workdays.

(3) "Parent" means the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.

(4) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a), except that this Rule shall only apply to a charter school if the board of directors for the charter school has opted to provide for paid parental leave in accordance with G.S. 115C-218.90(a)(6). The board shall notify the Office of Charter Schools at the Department of Public Instruction of its intent to offer paid parental leave no later than October 1 of the fiscal year for which it intends the leave to be available.

(5) "Qualifying event" means when an eligible employee becomes a parent to a child.

(b) To be eligible for paid parental leave, a PSU employee shall, at the time of the qualifying event, have been in pay status, as defined in 25 NCAC 01D .0105, with a PSU, state agency, or other public entity providing paid parental leave under G.S. 126-8.6 for at least 1,040 hours without a break in service within the

previous 12-month period. The employee may aggregate periods of employment with different employers to satisfy this requirement, except that any period of employment by a charter school shall not satisfy this requirement unless the governing board of the charter school has elected to provide paid parental leave in accordance with G.S. 115C-218.90(a)(6). For purposes of this Rule, a break in service is defined in 25 NCAC 01D .0144, provided it shall not include:

(1) Any period in the past 12 months during which the employee was receiving workers' compensation under G.S. 97-1 et seq. or on short-term disability under G.S. 135-105.

(2) Any period in which the employee was on leave without pay.

(3) Any period in which the employee was absent due to military service in the Armed Forces of the United States, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301–4333.

(4) For a 10- or 11-month employee whose employment will continue for the following school year, the time between the conclusion of one employment period and the commencement of the following employment period.

(5) For an employee who transitions from one employer offering paid parental leave under G.S. 126-8.6 to another employer providing paid parental leave under G.S. 126-8.6, any time between the date of separation from the first employer and the date of hire for the second employer, not to exceed 31 days.

(c) A full-time eligible employee who becomes a parent to a child shall be entitled to ~~the following:~~ 12 weeks of paid parental leave for bonding with the child.

~~(1) For a parent who gives birth to a child, up to eight weeks of paid parental leave consisting of:~~

~~(A) Four weeks for physical and mental recuperation; and~~

~~(B) Four weeks for bonding with the child.~~

~~(2) For any other qualifying event, up to four weeks of paid parental leave for bonding with the child.~~

(d) A part-time eligible employee who becomes a parent to a child shall be entitled to a prorated share of paid parental leave based upon the hours in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position within the PSU, provided that the prorated share of leave shall not exceed ~~the total number of weeks provided to a full-time employee under Paragraph (c) of this Rule.~~ 12 weeks.

(e) If an eligible employee gives birth to a child and places the child up for adoption or into foster care, or otherwise legally ~~places the child with~~ transfers custody of the child to another person to serve as the child's parent, the employee shall be entitled to up to four weeks of paid leave for physical and mental recuperation from the time of the child's birth. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.

(f) If a fetus dies prior to a completed birth, or if a child dies after a completed birth, the following rules shall apply:

(1) If the fetus dies before the conclusion of the 12th week of pregnancy, there is no qualifying event creating an entitlement to paid parental leave under this Rule.

(2) If the fetus dies after the conclusion of the 12th week of pregnancy but prior to a completed birth, an otherwise eligible employee who carried the child shall be entitled to up to four weeks of leave for physical and mental recuperation. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.

(3) If a child dies after a completed birth, an otherwise eligible employee shall be entitled to the same amount of leave to which the employee would be entitled under Paragraphs (c) or (d) of this Rule.

(g) The paid parental leave provided by this Rule shall result in compensation at 100 percent of the eligible employee's regular, straight-time pay.

(h) The paid parental leave provided under this Rule is in addition to any other leave authorized by this Chapter, State or federal law, or policies established by the PSU, provided that the paid parental leave:

(1) Shall not be counted against or deducted from an eligible employee's sick, vacation, bonus, or other accrued leave.

(2) Shall be reported by the PSU separately from all other paid leave.

(3) Shall not accrue and is not eligible for donation to another employee.

(4) Shall not be used for calculating the employee's retirement benefits.

(5) Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601–2654, provided the PSU has complied with the appropriate notice requirements in 29 C.F.R. 825.300.

(i) An eligible employee who requests paid parental leave shall do so in accordance with policies adopted by the employee's PSU, subject to the following:

(1) The paid parental leave may be used any time during the 12 months following a qualifying event on either a continuous or intermittent basis. A PSU shall not deny or delay an employee's request to use paid parental leave, or otherwise require the employee to use the leave on a prescribed schedule, without the employee's consent.

(2) The employee shall provide advanced notice to the PSU of the employee's intent to use paid parental leave in accordance with policies adopted by the PSU. When possible, the employee shall provide notice at least ten weeks in advance of a qualifying event, but under no

circumstances shall a PSU require more than ten weeks' notice.

(3) The paid parental leave provided by this Rule may be used only once for a qualifying event within a 12-month period. Multiple births, adoptions, or other legal placements within the same 12-month period shall not entitle an otherwise eligible employee to more than one award of paid parental leave.

(4) If both parents of a child are employed by the same PSU, the PSU shall permit both parents to take paid parental leave simultaneously if they so request, subject to Subparagraphs (1) and (2) of this Paragraph.

(5) An employee shall forfeit any unused paid parental leave 12 months after the date of the qualifying event.

(j) This paid parental leave provided by this Rule applies only to requests for paid parental leave related to qualifying events occurring on or after ~~July 1, 2023.~~ October 1, 2026. Nothing in this Rule shall prohibit an employer, if authorized, from providing paid parental leave in amounts greater than what is required by this Rule.

Authority G.S. 115C-12(5); 115C-12(8); 115C-12(16); 115C-272; 115C-285; 115C-302.1; 115C-315; ~~126-8.6;~~ 126A-7-2.

16 NCAC 06C .0409 VACATION LEAVE

(a) In addition to the relevant provisions of Articles 18, 19, 20, 21, and 23 of Chapter 115C of the General Statutes, this Rule shall govern the use of vacation leave by employees of a local board of education ("local board"). The local board may adopt additional policies to govern the use of vacation leave, provided they are consistent with this Rule. Except where otherwise indicated below, "employee" shall include the following:

(1) Superintendents, as provided by G.S. 115C-272.

(2) Principals and Supervisors, as provided by G.S. 115C-285.

(3) Teachers and other instructional personnel, as provided by G.S. 115C-302.1.

(4) Other public school employees, as provided by G.S. 115C-316.

(b) Eligibility for Vacation Leave

(1) A permanent full-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave based on the employee's length of total state service, as defined in 25 NCAC 01D .0112. The employee shall accrue vacation leave at the same rate as State employees, as set forth in ~~25 NCAC 01E .0203,~~ policies adopted by the State Human Resources Commission, subject to the limitations in Subparagraph (b)(3) of this Rule.

(2) A permanent part-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave on a pro rata basis relative to the amount of leave earned by a permanent full-time employee in the same position classification. A person employed in two or more positions may not earn more leave than that earned by a permanent full-time employee.

(3) The local school administrative unit ("LSAU") shall establish the required daily and weekly work hours for each permanent employee. If a permanent full-time employee works fewer than 40 hours per week, the employee shall earn a percentage of the relevant vacation leave accrual rate that is equivalent to the weekly work hours for the employee as a percentage of a standard 40-hour work week. For example, if the employee works 35 hours per week, or 87.5 percent of a 40-hour work week, then the employee would earn leave at 87.5 percent of the monthly and annual accrual rates listed in Paragraph (a) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(5) A school bus driver who works fewer than 20 hours per week and is not otherwise entitled to earn vacation leave under this Rule shall earn one vacation day (equal in hours to the number of hours in the driver's regular workday) per year if the driver:

(A) Is employed to drive a regular daily route (i.e., is not a substitute driver); and

(B) Was employed as a regular driver during the entire previous school year.

A driver who is dismissed by the local board or resigns before taking the vacation leave day provided by this Subparagraph shall not receive compensation for that day.

(c) Use of Vacation Leave

(1) For teachers and instructional personnel who work 10 months per year, the employee must use the first 10 days of accrued available vacation leave each year on days designated by the local board as vacation days in accordance with G.S. 115C- 302.1(c),

(2) A classroom teacher, school media coordinator, or teacher assistant shall not use vacation leave on days in which students are scheduled to be in attendance if the employee would require a substitute, unless the employee:

(A) Does not earn personal leave under G.S. 115C-302.1(d);

(B) Is using the vacation leave to care for a newborn child or a child placed with the employee for adoption or foster care under G.S. 115C-302.1(j); or

(C) Is using the vacation leave for catastrophic illness under 16 NCAC 06C .0402(i).

(3) An employee who earned vacation leave during the school year, as defined in 16 NCAC 06C .0401(11)(b), shall continue to earn vacation leave during the summer break if the employee works at least 20 hours per week for the same local school administrative unit. If the employee works less than full-time, the employee shall earn leave on a pro rata basis consistent with Subparagraph (a)(2) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(d) An LSAU may advance vacation leave to an employee based on the amount of leave the employee is anticipated to earn in the remainder of the current fiscal year, provided that the LSAU shall assume financial responsibility for any advanced leave not earned at the time the employee separates from employment or at the end of the fiscal year, whichever is earlier.

(e) Except as provided by Paragraph (f) of this Rule, when an employee separates from employment with an LSAU, the LSAU shall pay the employee a lump sum for accumulated vacation leave. The payout shall be calculated using the daily rate of pay based on the employee's salary at the time of separation and shall not exceed the equivalent pay of 30 days. In the case of a deceased employee, the LSAU shall pay the lump sum to the administrator or executor of the deceased employee's estate upon receipt of a valid probate claim.

(f) Transfer of Vacation Leave

(1) An employee may transfer accumulated vacation leave from one LSAU to another LSAU upon transfer of employment, provided that any variance in the number of working hours per day that is considered "full-time" between the new position and the previous position shall not result in an increase or decrease in the total number of vacation leave days available as a result of the transfer. To calculate the equitable value of the transferred leave:

(A) The sending LSAU shall divide the total number of hours of accumulated vacation leave by the number of working hours per day that is considered "full-time" for the departing employee's previous position. This generates a total number of vacation leave days available for transfer to the receiving LSAU.

(B) The receiving LSAU shall then multiply the number of transferred vacation leave days by the number of working hours per day that is considered "full-time" for the incoming employee's new position. This generates the total number of vacation leave hours available for use by the employee in the new position.

(2) An employee may transfer accumulated vacation leave to a State agency or any of the entities listed in 25 NCAC 01E .0309 upon transfer of employment to such agency or entity, if the agency or entity is willing to accept the leave. If the agency or entity is unwilling to accept the leave, the LSAU shall pay the employee for the accumulated leave, up to a maximum of 30 days.

(3) A person employed by such agency or entity may transfer accumulated vacation leave to an LSAU upon transfer of employment to such LSAU if such LSAU is willing to accept the leave and, consistent with Subparagraph (f)(1), any variance in the number of working hours per day that is considered "full-time" between the new position with the LSAU and the previous position with the agency or entity shall not result in an increase or decrease in the total number of leave days available as a result of the transfer.

(4) If, within 31 days of separation from employment with an LSAU, an employee obtains employment with another LSAU or a State agency or entity willing to accept transferred vacation leave, the original LSAU shall transfer any accumulated vacation leave to the new employer in lieu of paying the employee for the leave.

(5) An employee may only transfer accumulated vacation leave from one leave-earning position to another leave-earning position, even if the new position is within the same LSAU.

(g) This Rule shall also govern any bonus vacation leave awarded to an employee pursuant to S.L. 2002-126, Section 28.3A (as amended by S.L. 2002-159, Section 82); S.L. 2003-284, Section 30.12B; or S.L. 2005-276, Section 29.14A, except that the employee shall maintain the leave from year-to-year until it is used or paid out upon separation from employment. Each LSAU shall track bonus vacation leave separately from otherwise earned vacation leave and shall not include it in the 30 days calculated under Paragraph (e) of this Rule.

(h) Each LSAU shall maintain leave records for each of its employees. The LSAU shall inform each employee of the employees leave balances at least once per fiscal year. The LSAU shall retain employee leave records for at least five years from the date of the employee's separation.

Authority G.S. 115C-12(8),(9),(16); 115C-272; 115C-285; 115C-302.1; 115C-316; 115C-408; S.L. 1997-443, s. 8.6.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rule cited as 16 NCAC 06E .0102.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.dpi.nc.gov/about-dpi/state-board-education/rulemaking-information*

Proposed Effective Date: *March 1, 2027*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Contact Ryan Collins via email (ryan.collins@dpi.nc.gov) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).*

Reason for Proposed Action: *G.S. 115C-379 requires the State Board of Education to adopt rules related to compulsory school attendance for children under age 16. Section 7.54 of SL 2026-41 amended that statute to require school officials to excuse absences due to demands of the farm or home, to participate in equestrian or agricultural events, and to accommodate release time for religious instruction. The proposed amendments to the rules incorporate these new legislative requirements.*

Comments may be submitted to: *Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov*

Comment period ends: *January 4, 2027*

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 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06E - STUDENTS

SECTION .0100 - ATTENDANCE

16 NCAC 06E .0102 ATTENDANCE REQUIREMENTS

(a) To be considered in attendance on any given instructional day:
- (1) The student shall be physically present either:
  - (A) In the school under the supervision of school personnel for at least one-half of the instructional day; or
  - (B) In a place other than the school with the approval of the appropriate school official to attend a school-sponsored activity, such as a field trip, athletic contest, student convention, musical festival, or similar activity;
- (2) If the student is enrolled in a remote academy, the student shall log into the assigned learning management system at least once per day consistent with the remote academy plan approved by the State Board of Education in accordance with G.S. 115C-234.15 or the Charter Schools Review Board in accordance with G.S. 115C-218.123; or
- (3) If the student is participating in remote instruction other than through a remote academy, the student shall complete the student's assignments for each remote instruction day, either online or offline, consistent with the remote instruction plan approved by the State Board of Education in accordance with G.S. 115C-84.3

(b) A student shall not be recorded as in attendance until the student has, following enrollment, attended at least one-half of an instructional day in accordance with Paragraph (a). If the student is enrolled in a remote academy, the student shall log into the assigned learning management system and be virtually present and responsive on the first instructional day. A student shall not participate in remote instruction other than through enrollment in a remote academy until the student has been in physical attendance for at least one instructional day.

(c) A public school unit ("PSU") shall excuse the temporary absence of a student if the principal, local superintendent, or designee of the principal or local superintendent determines by a preponderance of the evidence that the absence was for one of the following lawful reasons:
- (1) The student or, if the student is a custodial parent, a child in the student's care, has a physical or mental illness or injury that prevents the student from being able to attend school.
- (2) The student is isolating in accordance with directives from the local health department, the North Carolina Department of Health and Human Services, or the Centers for Disease Control and Prevention.
- (3) The student has suffered the death of an immediate family member. For purposes of this Rule, "immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to

any such relationship whether by blood, adoption, or marriage.

(4) The student or, if the student is a custodial parent, a child in the student's care, has a medical or dental appointment.

(5) The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal. For purposes of this Rule, an administrative tribunal shall include the governing body of the PSU.

(6) The student is absent due to a religious observance required by the faith of the student or the student's parent or legal guardian. A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance. The PSU shall ~~offer~~ allow the student ~~the opportunity~~ to make up any tests or other assignments missed due to these absences.

(7) The student is participating in released time religious instruction in accordance with a policy adopted by the PSU governing body under G.S. 115C-407.45.

~~(7)~~(8) The student obtains prior approval from the local superintendent or designee to take advantage of an educational opportunity outside of school, such as service as a legislative page or Governor's page.

~~(8)~~(9) The student cannot safely travel to school due to a natural disaster, provided the area in which the student resides or through which the student must travel has been declared a disaster area by the Federal Emergency Management Agency.

~~(9)~~(10) The student is receiving educational services outside of school under one of the following conditions:

(A) Medical necessity initiated by a medical report or physician's orders and documented in the student's written homebound instruction plan, Section 504 plan, or Individualized Education Program ("IEP").

(B) The student's IEP Team has determined that placement of the student outside of school is the least restrictive environment available given the student's needs and has documented that need in the student's IEP or Section 504 plan.

~~(10)~~(11) The student is receiving educational services through the Teacher-in-Treatment Program administered by the North Carolina Department of Health and Human Services.

~~(11)~~(12) The student satisfies the following criteria for military-affiliated absences:

(A) The student's parent or legal guardian is an active-duty member of the uniformed services, as defined in G.S. 115C-407.5;

(B) The student's parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; and

(C) The student has not been identified by the PSU as being at risk of academic failure due to unexcused absences.

A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance.

(13) The student is absent due to participation in equestrian sporting events, livestock shows, or similar agricultural events. A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance. The PSU shall allow the student to make up any tests or other assignments missed due to these absences.

(14) The student is absent due to the immediate demands of the farm or the home in certain seasons of the year. A student may be absent for up to five days in a school year for this purpose, and the PSU shall allow the student to make up any tests or other assignments missed due to these absences. The parent or legal guardian shall submit a written request and, if available, any supporting documentation to the PSU at least one instructional day in advance demonstrating that the student's absence from school is necessary to address the immediate demands of the farm or home. The local superintendent or designee shall excuse these absences only if he or she finds by a preponderance of the evidence that the student's absence from school is necessary to address the immediate demands of the farm or home. Such demands may include the following:

(A) Planting or harvesting crops;

(B) Managing livestock emergencies;

(C) Farming equipment breakdowns during planting or harvesting seasons; and

(D) Preparing for or responding to inclement weather impacting crops, livestock, or related structures.

~~(d) A PSU shall not excuse students for nonattendance due to immediate demands of the farm or the home, unless such demands satisfy one of the lawful reasons for absence listed in Paragraph (c).~~

~~(e)~~(d) A PSU shall have the authority to excuse the temporary or occasional absence of a student for other reasons in accordance with policies adopted by the governing body of the PSU, provided that the student is currently in membership.

~~(f)~~(e) A student's willful absence from school, with or without the knowledge of the student's parent or legal guardian, or a student's absence from school for any reason other than those permitted by this Rule or Rule .0104 of this Section, shall be deemed unlawful for purposes of the Compulsory Attendance Law.

Authority G.S. 115C-84.3; 115C-378; 115C-379.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 48 - PHYSICAL THERAPY EXAMINERS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Physical Therapy Examiners intends to adopt the rules cited as 21 NCAC 48B .0101; 48G .0102, amend the rules cited as 21 NCAC 48A .0105; 48B .0102- .0104; 48C .0501; 48D .0107, .0109, .0111; 48E .0110, .0111; 48F .0101; 48G .0203, and repeal the rules cited as 21 NCAC 48D .0102, .0105, .0106, .0110, .0112; 48E .0101, .0103-.0105, .0112, .0113, .0510; 48G .0103, .0104, .0201, and .0202.*

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

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

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 9, 2026*
Time: *1:00 p.m.*
Location: *2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

Reason for Proposed Action: *The North Carolina Board of Physical Therapy Examiners proposes to amend rules in 21 NCAC 48A, 48B, 48C, 48D, 48E, 48F, and 485; adopt rules in 21 NCAC 48B and 48G; and repeal rules in 21 NCAC 48D, 48E, and 48G. The reasons for the proposed changes include improving clarity and accessibility, facilitating compliance, and reducing unnecessary barriers to licensure without compromising public safety.*

Comments may be submitted to: *Jessie Johnson, PT, NCBPTE Deputy Director, 8300 Healthpark, Suite 233, Raleigh, NC 27615; phone (919) 490-6393; email jessie.johnson@ncptboard.org*
Comment period ends: *January 4, 2027*

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 48A - ORGANIZATION

21 NCAC 48A .0105 DEFINITIONS

The following definitions and the definitions in G.S. 90-270.90 apply throughout Chapter 48:

(1) "Commission on Accreditation of Physical Therapy Education" or "CAPTE" means the accrediting agency nationally recognized to grant specialized accreditation status to qualified entry-level education programs for physical therapists and physical therapist assistants. An educational program accredited by CAPTE satisfies the qualifications and is recognized by the Board as an approved physical therapist or physical therapist assistant educational program.

~~(1) "Computer Based Testing" or "CBT" means the Federation approved National Physical Therapist and Physical Therapist Assistant Examinations administered by a testing agency approved by the Federation.~~

(2) "Credentials" means the materials related to educational background and professional experience that an applicant for licensure must present to the Board for approval.

(3) "Educational programs" means physical ~~therapy~~ therapist and physical therapist assistant educational programs approved by the Board. ~~accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE).~~

(4) "Endorsement" means granting a license in this State based upon the applicant possessing an active license in another State.

(5) "Federation" means Federation of State Boards of Physical Therapy.

(6) "Foreign Credentialing Commission on Physical Therapy" or "FCCPT" means the nonprofit organization that evaluates the

credentials of non-CAPTE educated physical therapy professionals (PT and PTA).

~~(6)~~(7) "Graduated" or "graduation" means the completion of all requirements, including clinical experience, from ~~an~~ a Board approved ~~accredited~~ program for physical therapists or physical therapist assistants. If an educational program certifies that the degree is ~~assured and will be~~ conferred ~~at a later date~~, an applicant ~~will~~ shall be considered to have ~~been~~ graduated.

~~(7)~~(8) "Inappropriate touching" means the unwelcome or unwanted laying of hands by a licensee for a purpose inconsistent with a physical therapy evaluation or treatment of a patient.

~~(8)~~(9) "Note" means ~~the physical therapy progress note that documents each patient visit.~~ documentation of all physical therapy services concerning patient or client intervention.

~~(9)~~(10) "On-site supervision" means the supervising licensee is present in the department or facility where services are provided, is immediately available to the person being supervised and maintains ~~continued~~ continuous involvement in aspects of treatment sessions in which students completing clinical requirements or physical therapy aides are involved in components of care.

~~(10)~~(11) "Patient" means any recipient of physical therapy services and includes the term "client".

(12) "Primary source" means the issuing authority.

~~(11)~~(13) "PT" means a Physical Therapist who is any person licensed pursuant to G.S. 90.270.90 to practice physical therapy. The terms "physiotherapist" or "physiotherapy" shall be synonymous with "physical therapist" or "physical therapy" pursuant to G.S- 90.270.90.

~~(12)~~(14) "PT exam" means a Federation approved licensing examination for physical therapists.

~~(13)~~(15) "PTA" means a Physical Therapist Assistant who is any person licensed pursuant to G.S. 90-270.90 to practice physical therapy under the supervision of a physical therapist. The terms " physiotherapist assistant" or "physio assistant" shall be synonymous with "physical therapist assistant" pursuant to G.S. 90-270.90.

~~(14)~~(16) "PTA exam" means a Federation approved licensing examination for physical therapist assistants.

(17) "Test of English as a Foreign Language" or "TOEFL" means a standardized English proficiency test measuring reading, listening, speaking, and writing skills at an academic level.

Authority G.S. 90-270.90; 90-270.92; 90-270.98.

SUBCHAPTER 48B - TYPES OF LICENSES

21 NCAC 48B .0101 GENERAL LICENSING REQUIREMENTS

(a) Requirements. All applications for license shall contain a completed application form found on the Board website at https://www.ncptboard.org that contains:

(1) Demographic and contact information including name, sex, date of birth, birth state or country, email address, home address, and personal phone numbers;

(2) Identification issued to the applicant by the Federation;

(3) Social Security number, verified by the Board, at the applicant's expense, pursuant to G.S. 93B-14;

(4) Expected professional employment, if known, including dates, employer name, and address;

(5) Unaltered color photograph of applicant taken within the last six months that is two inches by two inches in size, with the applicant directly facing the camera with a neutral expression;

(6) PT exam or PTA exam minimum passing score equal to a scaled score of 600 as adopted by the Federation on its website at https://www.fsbpt.org, or a minimum passing score on any predecessor exam that was required at the time the exam was taken. Scores shall be directly transmitted from the Federation to the Board;

(7) Name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;

(8) Whether the applicant has ever used a name other than the one on the application;

(9) Whether the applicant has ever taken the National Physical Therapy Examination (NPTE) or been denied the privilege of taking the NPTE;

(10) Whether the applicant has ever held any professional license including physical therapy, and if so, type of license, status of license, and jurisdiction in which it was granted;

(11) Whether the applicant has ever had a professional license or certificate denied, revoked, voluntarily surrendered, suspended, or otherwise disciplined by any regulatory board in any state, jurisdiction, or foreign country for violation of state or federal law, rule, or practice standard;

(12) Whether the applicant has any unresolved or pending complaints, investigations, or disciplinary actions filed against him or her with any professional licensing authority;

(13) Whether the applicant uses drugs or alcohol in a way which impacts or may impact the ability to practice physical therapy with reasonable skill and safety;

(14) Whether the applicant has any criminal convictions of a felony or misdemeanor or pending charges of a felony or misdemeanor. If

so, the applicant shall provide a statement with the jurisdiction, charge, date of disposition, and sentence imposed for each charge;

(15) Whether the applicant has ever been found to have committed an act or acts of malpractice, fraud, abuse, mistreatment, gross negligence, or incompetence in the practice of physical therapy;

(16) Whether the applicant has ever had an adjudication of insanity or incompetence;

(17) Employee misclassification information as required by G.S. 143-789;

(18) Attestation to truthfulness and accuracy of application contents;

(19) Nonrefundable application fee as set forth in 21 NCAC 48F .0102;

(20) Criminal history record check, at the applicant's expense, with fingerprints furnished to the Board; and

(21) Completed jurisprudence exercise I on Article 18E of Chapter 90 of the General Statutes and the rules of this Chapter as set forth in 21 NCAC 48G .0105(7).

(b) Application Expiration. If the applicant does not submit all information required by this Rule within one year of submitting an application to the Board, the application will be automatically denied and the applicant desiring licensure may reapply for licensure in the future.

(c) Board Review. Each application may be considered by the Board on an individual basis.

Authority ~~G.S. 90-270.24(5); 90-270.26; 90-270.34; 90-270.35(1), (2);~~ G.S 90-270.92; 90-270.95; 90-270.96; 90-270.97; 90-270.98; 90-270.100; 90-270.103; 143-789; 93B-14; 93B-8.1; 143B-1209.45.

21 NCAC 48B .0102 LICENSES BY ENDORSEMENT

(a) Endorsement. ~~Each application for endorsement shall be considered on an individual basis.~~ An applicant applying for licensure by endorsement shall comply with the requirements in Rule .0101 of this Subchapter.

(b) Examination Required. Only those persons initially licensed in another state by virtue of examination shall be considered for endorsement. Only the following examinations shall be considered:

(1) For Physical Therapists: Only those physical therapists licensed in another state by a PT exam as set forth in Subparagraph(a)(6) of Rule .0101 of this Subchapter shall be considered for endorsement.

~~(A) Therapists licensed on the basis of a PT exam shall present total scores that meet the North Carolina passing level as set forth in 21 NCAC 48D .0105. If scores and information are not available from the other state, the applicant shall have the scores issued through the testing agency. If scores are no longer available or destroyed, the Board shall accept a notarized copy of exam scores from another state. If the total score on the examination is unsatisfactory, the exam shall be repeated. The cost of the examination shall be paid by the applicant.~~

~~(B) If licensed in another state by an examination compiled by that Board, the applicant shall supply information for the Board to attempt to obtain the examination in order to determine if it meets the requirements set forth in 21 NCAC 48D .0105. If it cannot be determined that the examination was equal to the North Carolina examination or if the scores received on an acceptable examination did not meet the North Carolina passing requirement, the applicant shall take the PT exam. The cost of the examination shall be paid by the applicant.~~

~~(C) A physical therapist currently licensed in another state whose license in that state was granted on the basis of the American Registry of Physical Therapists Examination shall be considered for endorsement.~~

(2) For Physical Therapist Assistants: Only those physical therapist assistants licensed in another state by a PTA exam as set forth in Subchapter(a)(6) of Rule .0101 of this Subchapter shall be considered for endorsement. ~~The examination score shall meet the North Carolina passing level as set forth in 21 NCAC 48D .0105. If not, the applicant shall be required to take the PTA exam and pay the cost of the examination.~~

(c) Active License. ~~An applicant for licensure by endorsement shall submit verification of licensure in effect on the date the application for North Carolina licensure was filed with the Board in accordance with 21 NCAC 48E .0105.~~ An applicant for licensure by endorsement shall submit primary source verification of active licensure transmitted directly from the issuing jurisdiction licensing board. The applicant's license shall be active on the date the application was filed and shall remain active until North Carolina licensure is granted. The verification shall bear the official signature and seal of the issuing board or be authenticated as an official electronic document regularly used by the reporting board and shall include the applicant's disciplinary history, if any. ~~(d) Jurisprudence Exercise. All applicants for licensure by endorsement shall furnish proof of completion of the Jurisprudence Exercise 1 as set forth in 21 NCAC 48G .0105(7).~~

Authority G.S. 90-270.92; 90-270.98(b); 90-270.100; 90-270.95.

21 NCAC 48B .0103 LICENSES BY EXAMINATION

(a) Examination. An applicant applying for licensure by examination shall comply with the requirements in Rule .0101 of this Subchapter.

~~(a)~~(b) Examination Requirements. ~~Applicants.~~ An applicant ~~seeking an initial license or~~ for licensure who fails to meet the requirements in Rule .0102 of this Subchapter ~~Section~~ for endorsement must pass the PT exam if educated as a PT, or pass the PTA exam if educated as a PTA ~~a computer based examination~~ as set forth in Subchapter .0101(a)(6) of this Chapter: ~~Subchapter 48D of this Chapter to practice in North Carolina following the approval of the applicant's credentials.~~

(1) If an applicant has not passed the PT or PTA exam, the applicant shall register to take the PT exam if educated as a PT or PTA exam if educated as a PTA, and have the score report sent to the Board.

(2) The PT and PTA exam may be scheduled by the applicant at sites designated by the testing agency recognized by the Federation.

(3) The applicant shall comply with PT and PTA exam policies at https://www.fsbpt.org, and the testing center procedures.

~~(b) Timing of Examination. The applicant shall take the examination within one year following the Board's approval of his or her application. If the applicant does not do so, the applicant must submit his or her credentials to the Board for review before he or she can take the exam.~~

(c) Examination Eligibility. The Board and Federation have authority to approve an applicant's exam eligibility.

(1) The Board shall approve exam eligibility for non-CAPTE educated applicants.

(2) The Federation shall grant exam eligibility for all other applicants as set forth in National Physical Therapy Examination policies, which are available free of charge at the Board's office and at https://www.fsbpt.org.

~~(c) Examination Taken in Another State. Applicants not previously licensed who take a PT exam or a PTA exam in another state may be licensed in North Carolina if they provide scores that meet the North Carolina passing level set forth in Rule 48D .0105 of this Chapter and meet all other requirements set forth in this Chapter and the Physical Therapy Practice Act for North Carolina licensure in effect at the time of application.~~

(d) Examination Applicants Never Licensed in Any Jurisdiction. An applicant who has successfully passed the PT or PTA exam but has not obtained licensure in any jurisdiction for two years or more since the examination date shall be required to fulfill the following requirements prior to the issuance of a license:

(1) If the PT or PTA exam was taken and passed between two and five years prior to application for licensure in North Carolina, and the applicant has not had a license in another jurisdiction, the applicant shall complete 30 points (if applying for a physical therapist license) or 20 points (if applying for a physical therapist assistant license) of continuing competence as set forth in the rules in Subchapter 48G.

(2) If the PT or PTA exam was completed and passed more than five years prior to application for licensure in North Carolina, and the applicant has not had a license in another jurisdiction, the applicant shall:

(A) retake the PT exam (if educated as a physical therapist) or the PTA exam (if educated as a physical therapist assistant); or

(B) complete a Board approved plan, consisting of at least 500 hours within the period of one year in the following manner: between 50 and 200 class hours of coursework which may include refresher courses, continuing education and pertinent college courses designed to demonstrate proficiency in current physical therapy theory and practice, and the remaining hours working under the on-site supervision of a licensed physical therapist per 21 NCAC 48A .0105(10).

(e) Examination Applicants Previously Licensed. An applicant who has successfully passed the PT or PTA exam but does not meet the requirements in Rule .0102 of this Subchapter shall be required to fulfill the following requirements prior to the issuance of a license:

(1) If the PT or PTA license in another jurisdiction expired between two and five years prior to application for licensure in North Carolina, the applicant shall complete 30 points (if applying for a physical therapist license) or 20 points (if applying for a physical therapist assistant license) of continuing competence as set forth in the rules in Subchapter 48G of this Chapter.

(2) If the PT or PTA license in another jurisdiction expired more than five years prior to application for licensure in NC, the applicant shall:

(A) retake the PT exam (if educated as a physical therapist) or the PTA exam (if educated as a physical therapist assistant); or

(B) complete a Board approved plan, consisting of at least 500 hours within the period of one year in the following manner: between 50 and 200 class hours of coursework which may include refresher courses, continuing education, and pertinent college courses designed to demonstrate proficiency in current physical therapy theory and practice, and the remaining hours working under the on-site supervision of a licensed physical therapist per 21 NCAC 48A .0105(10).

~~(d) Jurisprudence Exercise. All applicants for licensure for exam shall furnish proof of completion of the Jurisprudence Exercise 1 as set forth in 21 NCAC 48G .0105(7).~~

(f) Education Credentials. An applicant who completed physical therapy educational programs at a CAPTE-accredited PT or PTA program as defined in 21 NCAC 48A .0105 shall submit an official transcript including the date degree was conferred, registrar's signature, and university or college seal. The transcript shall be directly transmitted from the degree-granting institution to the Board.

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 90-270.101.

21 NCAC 48B .0104 EXEMPTIONS

A person seeking an exemption from licensure requirements pursuant to ~~G.S. 90-270 .101(a)(8) or (9)~~ G.S. 90-270.101(a)(8),(9), or (10) shall submit the Request for Exemption ~~form~~ application approved by the Board which is available at https://www.ncptboard.org, ~~(www.ncptboard.org), or a written request that includes license number and contact information.~~ and outlined in Paragraph (a) of Rule .0101 of this Subchapter. An exemption ~~issued~~ expires pursuant to ~~G.S. 90-270.101(a)(8) or (9)~~ G.S. 90-270.101(a)(8), (9), or (10) ~~expires on the next annual renewal date~~.

Authority G.S. 90-270.101.

SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE

SECTION .0500 - PHYSICAL THERAPY STUDENTS

21 NCAC 48C .0501 EXEMPTION FOR STUDENTS

(a) Students enrolled in educational programs that are either accredited or are candidates in good standing for accreditation by an agency recognized by either the U.S. Office of Education or the Council on Postsecondary Accreditation, are included in the exemption from licensure contained in G.S. 90-270.101(a)(1) while completing a clinical requirement for graduation.

(b) ~~A~~ The supervising licensee shall ~~must~~ provide on-site supervision ~~be present in the facility~~ when patient care activities are undertaken by a PT or PTA student while completing the clinical requirement.

Authority G.S. 90-270.92(1); 90-270.95; 90-270.101(a)(1).

SUBCHAPTER 48D - EXAMINATIONS

21 NCAC 48D .0102 SCHEDULE AND LOCATION OF EXAMINATION

Authority G.S. 90-270.92.

21 NCAC 48D .0105 EXAMINATION SCORES

Authority G.S. 90-270.92; 90-270.100.

21 NCAC 48D .0106 NOTIFICATION OF EXAMINATION RESULTS

Authority G.S. 90-270.92.

21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION

(a) The Board shall refuse permission to take the examination to any person who:

(1) Does not meet the requirements as set forth in Article 18E of Chapter 90 of the General Statutes; ~~the Physical Therapy Practice Act~~;

(2) Furnishes false information to the Board on the application;

(3) Fails to furnish personal background information as required by the rules of this Chapter; ~~these Rules;~~ or

(4) Fails to take the examination within the period the candidate is made eligible by the Federation or the Board pursuant to 21 NCAC 48B .0103.

~~(b) The Board and Federation have authority to approve an applicant's exam eligibility. The Board shall approve exam eligibility for foreign trained applicants. The Federation shall grant exam eligibility for all other applicants as set forth in National Physical Therapy Examination policies, which are available free of charge at the Board's office and at www.fsbpt.org.~~

~~(c)~~(b) Any applicant who is refused permission to take the examination ~~shall be entitled to petition~~ by the Board ~~for a contested case hearing~~ may appeal pursuant to Section .0500 of Subchapter 48G of this Chapter. ~~Subchapter 48G, Section .0500 of this Chapter~~.

~~(d)~~(c) Any applicant who is refused permission to take the examination by the Federation ~~has the option to~~ may appeal using the policies set forth ~~in Paragraph (b) of this Rule~~ by the Federation at https://www.fsbpt.org.

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100; 90-270.103.

21 NCAC 48D .0109 RETAKING EXAMINATION

~~(a) Arrangements for Retake.~~ To retake the examination, the applicant shall notify the Federation. ~~the Board in writing, and pay the retake fee as specified in 21 NCAC 48F .0102. The examination cost as set forth by the Federation (www.fsbpt.org) is hereby incorporated by reference and includes subsequent amendments and editions.~~ If the Federation approves exam eligibility, the Federation shall administer the retake process according to the Federation's PT exam and PTA exam ~~NPTE~~ policies, ~~which may be found~~ at ~~www.fsbpt.org~~ https://www.fsbpt.org.

~~(b) Limitations. An applicant shall be limited to taking the examination the number of times allowed by the Federation as indicated on the Federation's website (www.fsbpt.org).~~

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100.

21 NCAC 48D .0110 ADMINISTRATION OF EXAMINATION

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.103.

21 NCAC 48D .0111 ~~APPLICANTS WITH SPECIAL NEEDS~~ TESTING ACCOMMODATIONS

Examination candidates requesting ~~who need special~~ testing accommodations ~~for the examination as a result of a medical or physical disability~~ shall file an ~~Accommodation Request Form and supporting documentation with the Executive Director at least 60 days before the examination date in order for the request to be considered by the Board. If the Federation grants exam eligibility, the~~ accommodation request ~~shall be made~~ pursuant to Federation testing accommodation policy ~~, which may be found~~ at ~~www.fsbpt.org~~ https://www.fsbpt.org.

Authority G.S. 90-270.92; ~~P.L. 101-336~~ U.S.C. 12189.

21 NCAC 48D .0112 COMPUTER EXAMINATION

Authority G.S. 90-270.92; 90-270.95; 90-270.97.

SUBCHAPTER 48E - APPLICATION FOR LICENSURE

SECTION .0100 - REQUIREMENTS

21 NCAC 48E .0101 FILING APPLICATION AND BOARD DETERMINATION OF EXAM ELIGIBILITY

Authority G.S. 90-270.92; 90-270.95; 90-270.98(b).

21 NCAC 48E .0103 REFERENCES

Authority G.S. 90-270.92; 90-270.95; 90-270.98(b).

21 NCAC 48E .0104 EXAMINATION SCORES

Authority G.S. 90-270.92; 90-270.98(b).

21 NCAC 48E .0105 VERIFICATION OF LICENSURE

Authority G.S. 90-270.92; 90-270.98(b).

21 NCAC 48E .0110 ~~FOREIGN-TRAINED~~ NON-CAPTE EDUCATED PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT ~~APPLICANT~~ APPLICANTS BY EXAMINATION

(a) This Rule shall apply to a physical therapist or physiotherapist who has graduated from a physical therapist or physiotherapist program ~~located outside the United States~~ or a physical therapist assistant or physiotherapist assistant who has graduated from a physical therapist assistant or physiotherapist assistant program that has not been accredited by ~~the Commission of Accreditation of Physical Therapy Education (CAPTE)~~ CAPTE or its successor, in accordance with G.S. 90-270.95(2) or (3), and does not hold an active license in another state or territory of the United States.

(b) ~~All application~~ An application ~~forms~~ and supporting documents shall be completed in English or accompanied by an English translation.

(c) An applicant for licensure by examination shall also meet the requirements in 21 NCAC 48B .0103.

~~(c)~~(d) For the applicant's educational credential to be determined substantially equivalent to that obtained by an applicant for licensure pursuant to G.S. 90-270.95(2) or (3), the physical therapist applicant shall meet the standards of the Federation's ~~most recent~~ most recent coursework tool ~~Coursework Tool (CWT)~~ for ~~Physical Therapists~~ physical therapists, and physical therapist assistant applicants shall meet the standards of the Federation's most recent coursework tool for physical therapist assistants ~~https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx~~ at https://www.fsbpt.org. These coursework tools are incorporated by reference, including subsequent amendments and ~~editions.~~ editions, and may be accessed at https://www.fsbpt.org at no charge or requested from the Board. ~~Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost~~ . ~~Copies of the coursework tools are on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and are available for public inspection during regular business hours.~~

~~(d)~~(e) The applicant shall ~~make arrangements to~~ have the credentials evaluated by the ~~Foreign Credentialing Commission on Physical Therapy~~ FCCPT or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's coursework tools ~~CWTs~~ for physical therapists and physical therapist assistants referred to in Paragraph ~~(c)~~(d) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

~~(e)~~(f) For clinical practice deficiencies identified by the credentials evaluation, the Board may approve a plan to address the deficiency which may include an exemption as defined in G.S. 90-270.101(a)(10).

~~(f)~~(g) The applicant shall provide the following information to the Board:

(1) proof that the applicant has demonstrated English language proficiency by meeting the ~~most recent~~ current ~~Test of English as a Foreign Language~~ TOEFL score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments, ~~and~~ editions, or alternatives as defined and approved by the Federation. Individuals wishing to register for the TOEFL shall contact ~~Examination~~ Educational Testing Service (ETS) at https://www.ets.org/toefl/. ~~(http://www.ets.org/toefl/).~~ The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review; or

(2) documentation for exemption pursuant to 8 CFR 212.15 (http://www.uscis.gov/). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. ~~Individuals wishing to obtain a copy at no cost may call the United States Citizenship and Immigration Service National Customer Service Center at~~ A copy may be found at https://www.uscis.gov/ or requested from the Board. ~~1-800-375-5283 or 1-800-767-1833~~

~~(TDD) toll free. A copy of 8 CFR 212.15 is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.~~

~~(f) An applicant for licensure shall provide a complete set of fingerprints at the applicant's expense in order to obtain a criminal history record check in accordance with G.S. 90-270.96 and G.S. 143B-964.~~

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 90-270.101; ~~143B-964;~~ 150B-21.6(2).

21 NCAC 48E .0111 ~~FOREIGN-TRAINED~~ NON-CAPTE EDUCATED PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT ~~APPLICANT~~ APPLICANTS BY ENDORSEMENT

(a) This Rule ~~shall apply~~ applies to a physical therapist or physiotherapist who has graduated from a physical therapist or physiotherapist program ~~located outside the United States~~ that has not been accredited by ~~the Commission of Accreditation of Physical Therapy Education (CAPTE)~~ CAPTE or its successor, in accordance with G.S. 90-270.95(2), and holds an active physical therapist license in another state or territory of the United States. The Rule also applies to a physical therapist assistant or physiotherapist assistant who has graduated from a physical therapist assistant or physiotherapist assistant program that has not been accredited by CAPTE or its successor, in accordance with G.S. 90-270.95(3), and holds an active physical therapist assistant license in another state or territory of the United States.

(b) ~~All application~~ An application ~~forms~~ and its supporting documents shall be completed in English or accompanied by an English translation.

(c) An applicant applying for licensure by endorsement shall also meet the requirements in 21 NCAC 48B .0102.

~~(d) For the applicant's educational credentials to be determined substantially equivalent to an educational program accredited pursuant to G.S. 90-270.95(2), the applicant shall meet the standards of the Federation's Coursework Tool (CWT) at https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx for the applicant's year of graduation. This coursework tool is incorporated by reference, including subsequent amendments, and editions or alternatives as determined by the Federation. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website https://www.fsbpt.org at no cost. A copy of the coursework tool is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.~~

~~(e) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy FCCPT or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapists referred to in Paragraph (d) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.~~

~~(f)~~(d) The applicant shall provide the following information to the Board:

(1) proof that the applicant has demonstrated English language proficiency by meeting the most recent ~~Test of English as a Foreign Language~~ TOEFL score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments, ~~and~~ editions, or alternatives, as defined and approved by the Federation. Individuals wishing to register ~~for the TOEFL~~ shall contact ~~Examination~~ Educational Testing Service (ETS) at https://www.ets.org/toefl/. ~~(http://www.ets.org/toefl/).~~ The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review; or

(2) documentation for exemption pursuant to 8 CFR 212.15 ~~(http://www.uscis.gov/).~~ (https://www.uscis.gov/). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. ~~Individuals wishing to obtain a copy at no cost may call~~ A copy may be found at https://www.uscis.gov/ or requested from the Board. ~~the United States Citizenship and Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR 212.15 is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.~~

~~(f) An applicant for licensure shall provide a complete set of fingerprints at the applicant's expense in order to obtain a criminal history record check in accordance with G.S. 90-270.96 and G.S. 143B-964.~~

Authority G.S. 90-270.92; 90-270.95; ~~90-270.95(2);~~ 90-270.97; 90-270.98; ~~143B-964;~~ 150B-21.6(2).

21 NCAC 48E .0112 FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT APPLICANT

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 143B-964; 150B-21.6(2).

21 NCAC 48E .0113 CRIMINAL HISTORY

Authority G.S. 90-270.96; 93B-8.1; 143B-964.

21 NCAC 48E .0510 FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT EXAM APPLICANT

Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 143B-964; 150B-21.6(2).

SUBCHAPTER 48F - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

SECTION .0100 - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

21 NCAC 48F .0101 LICENSURE CERTIFICATE

(a) Names.

(1) A licensee's name ~~will~~ shall appear on the certificate as the name of the individual at the time of licensure, except in the case of ~~a person taking the examination who is married during the time between the examination and the actual date of licensure. This person may elect to use her maiden name or her married name, if the marriage takes place prior to the date of licensure.~~ an individual whose name changes between the time of application and the date of licensure.

(2) If a name is changed after the date of licensure, the licensee may request a new certificate to reflect the name change and pay the cost for a duplicate certificate set in Rule .0102 of this Subchapter.

(3) Name changes shall be made in accordance with Rule .0105 of this Subchapter.

(b) Date. The date of licensure shall be the day on which the person is given final approval of licensure by the Board.

(c) Replacements. Persons needing a replacement or a duplicate copy of a certificate will be charged a fee. ~~fee for it.~~

Authority G.S. 90-270.92; 90-270.98; 90-270.100.

SUBCHAPTER 48G - RETENTION OF LICENSE

21 NCAC 48G .0102 RENEWAL APPLICATION

(a) Requirements. All applications for license renewal shall contain a completed application form found on the Board website at https://www.ncptboard.org during the renewal period established in G.S. 90-270.99(a) that contains:

(1) Completion of continuing competence requirements pursuant to Rule .0106 of this Subchapter;

(2) Demographic and contact information including name, email address, home and work addresses, personal and work phone numbers, and Board website display preferences;

(3) Employee misclassification information as required by G.S. 143-789;

(4) Whether the applicant has ever had a professional license or certificate denied, revoked, voluntarily surrendered, suspended or otherwise disciplined by any regulatory board in any state, jurisdiction or foreign country for violation of state or federal law, rule, or practice standard;

(5) Whether the applicant has any unresolved or pending complaints, investigations or disciplinary actions filed against him or her with any professional licensing authority;

(6) Whether the applicant uses alcohol or drugs in a way which impacts or may impact the ability to practice physical therapy with reasonable skill and safety;

(7) Whether the applicant has any criminal convictions of a felony or misdemeanor or pending charges of a felony or misdemeanor. If so, the applicant must provide a statement with the jurisdiction charge, date of disposition, and sentence imposed for each charge;

(8) Whether the applicant has ever been found to have committed an act or acts of malpractice, fraud, abuse, mistreatment, gross negligence or incompetence in the practice of physical therapy;

(9) Whether the applicant has ever had an adjudication of insanity or incompetence;

(10) Completion of the Physical Therapy Cross Profession Minimum Data Set. Aggregate, de-identified data is provided to the UNC Sheps Center for Health Services Research for workforce analysis and planning purposes;

(11) Attestation to truthfulness and accuracy of application contents; and,

(12) Nonrefundable renewal application fee as set forth in 21 NCAC 48F .0102.

(b) Renewal Deadline. The renewal deadline is defined by G.S. 90-270.99(a). If the applicant does not submit all information required by this Rule by the deadline, the application will be automatically denied and the applicant desiring licensure may reapply for licensure by revival in the future.

(c) Annual License Card. The Board shall make available to each licensee having an active license, an annual license card bearing the current name of the licensee, license number and a January 31 expiration date.

(d) Armed Services Exemption. If on active duty, and to whom G.S. 105-249.2 grants an extension of time to file a tax return, a member of the United States Armed Services is exempt from compliance with renewal requirements.

(e) Board Review. Each application may be considered by the Board on an individual basis.

Authority G.S. 90-270.26; 90-270.32; P.L. 93-641; 90-270.92; 90-270.99; 90-270.100; 90-270.103; 93B-15; 105-249.2; 143-789.

21 NCAC 48G .0103 RENEWAL FEE

Authority G.S. 90-270.92; 90-270.99; 90-270.100.

21 NCAC 48G .0104 RENEWAL

Authority G.S. 90-270.92; 90-270.99; 93B-15; 105-249.2.

SECTION .0200 - LAPSED LICENSES

21 NCAC 48G .0201 DATE LICENSE LAPSES

Authority G.S. 90-270.99.

21 NCAC 48G .0202 NOTIFICATION

Authority G.S. 90-270.92; 90-270.99.

21 NCAC 48G .0203 REVIVAL OF LAPSED LICENSE

(a) Requirements. All applications for license revival shall include a completed application form found on the Board website at https://www.ncptboard.org that contains:

(1) Demographic and contact information including name, email address, home and work address, personal and work phone numbers, and Board website display preferences;

(2) Unaltered color photograph of applicant taken within the last six months that is two inches by two inches in size, with the applicant directly facing the camera with a neutral expression;

(3) Whether the applicant has ever held any professional license including physical therapy, and if so, type of license, status of license, and jurisdiction in which it was granted;

(4) Whether there has been any engagement in the practice of physical therapy by the applicant in North Carolina since the license lapsed;

(5) Whether the applicant has ever used a name other than the one on the application;

(6) Whether the applicant has ever had a professional license or certificate denied, revoked, voluntarily surrendered, suspended, or otherwise disciplined by any regulatory board in any state, jurisdiction, or foreign country for violation of state or federal law, rule, or practice standard;

(7) Whether the applicant has any unresolved or pending complaints, investigations, or disciplinary actions filed against him or her with any professional licensing authority;

(8) Whether the applicant uses drugs or alcohol in a way which impacts or may impact the ability to practice physical therapy with reasonable skill and safety;

(9) Whether the applicant has any criminal convictions of a felony or misdemeanor or pending charges of a felony or misdemeanor. If so, the applicant shall provide a statement with the jurisdiction, charge, date of disposition, and sentence imposed for each charge;

(10) Whether the applicant has ever been found to have committed an act or acts of malpractice, fraud, abuse, mistreatment, gross negligence, or incompetence in the practice of physical therapy;

(11) Whether the applicant has ever had an adjudication of insanity or incompetence;

(12) Employee misclassification information as required by G.S. 143-789;

(13) Attestation to truthfulness and accuracy of application contents;

(14) Nonrefundable application fee as set forth in 21 NCAC 48F .0102;

(15) Criminal history record check, at the applicant's expense, with fingerprints furnished to the Board if the license has been lapsed more than 90 days; and

(16) Completed jurisprudence exercise I on the North Carolina Physical Therapy Practice Act and Board Rules.

~~(a) A license that has been lapsed less than one year may be revived by payment of the revival of lapsed license fee and the current year's renewal fee and by completion of the revival form.~~

(b) A license that has lapsed ~~more than one year but~~ less than five years ~~may be revived by completion of the revival form, and~~:

(1) With an active continuing competence reporting period, shall be revived by completion of requirements as set forth in Paragraph (a) of this Rule; or

(2) With an expired continuing competence reporting period shall be revived by completing the requirements as set forth in Paragraph (a) of this Rule and by completing and submitting proof of 30 ~~units~~ points (if reviving a physical therapist license) or 20 ~~units~~ points (if reviving a physical therapist assistant license) of continuing competence as provided in the rules in ~~this~~ Section .0100 of this Subchapter.

~~(2) payment of the revival of lapsed license fee; and~~

~~(3) payment of the current year's renewal fee.~~

(c) A license that has lapsed more than five years shall ~~may~~ be revived by completion of ~~the application forms~~ the requirements set forth in Paragraph (a) of this Rule and one of the following:

(1) passing the "PT exam" (if trained as a physical therapist) or the "PTA exam" (if trained as a physical therapist assistant); or

(2) completing a Board-approved plan ~~compiling~~ consisting of at least 500 hours within ~~the period of~~ one year in the following manner: between 50 and 200 class hours of course work which may include ~~(ie,~~ refresher ~~course~~ courses, continuing education, and pertinent college courses ~~) approved by the Board as~~ designed to demonstrate proficiency in current physical therapy theory and practice, and the remaining hours working ~~as an aide~~ under the on-site supervision of a licensed physical therapist per 21 NCAC 48A .0105(10); or

(3) endorsement of a current license in another state as provided by 21 NCAC 48B .0102.

(d) Application Expiration. If the applicant does not submit all information required by this Rule within one year of submitting an application to the Board, the application will be automatically denied and the applicant desiring licensure may reapply for licensure in the future.

(e) Board Review. Each application may be considered by the Board on an individual basis.

Authority G.S. 90-270.92; 90-270.96; 90-270.98(b); 90-270.99; 90-270.100; 90-270.101; 90-270.103; 143-789; 143B-1209.45; 93B-8.1.

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CHAPTER 52 - PODIATRY EXAMINERS

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Podiatry Examiners intends to readopt without substantive changes the rules cited as 21 NCAC 52 .0101, .0201, .0202, .0204, .0205, .0207-.0215, .0301-.0303, .0402-.0404, .0408, .0409, .0601, .0610-.0613, .0701-.0703, .0804, .1001-.1005, .1202-.1204, .1301, .1302, and .1401.*

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://ncbpe.org*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 9, 2026*
Time: *12:00 p.m.*
Location: *NCBPE Headquarters*
c/o FirstPoint Management Resources
Large Conference Room
3739 National Drive, Suite 202
Raleigh, NC 27612
Or by Zoom: NCBPE is inviting you to a scheduled Zoom meeting.
Join Zoom Meeting https://us02web.zoom.us/j/89880179852
Meeting ID: 898 8017 9852

One tap mobile +16465588656,,89880179852# US (New York)
+16469313860,,89880179852# US
Join instructions
https://us02web.zoom.us/meetings/89880179852/invitations?signature=rsq7e8Zi-Gkdm7LfHp0-N_4Yt4B50emTRSyX88qq0lQ

Reason for Proposed Action: *Readoption with some technical corrections*
52 .0101 - readoption with Board address change 52 .0201 - .0205 - readoption with no changes
52 .0207 - readoption with change to allow for online renewal 52 .0208 - .0211 - readoption with no changes
52 .0212 - readoption with name change of the rule to avoid confusion with hospital credentialing
52 .0213 - readoption with updated web addresses for CPME
52 .0214 - .0215 - readoption with no changes
52 .0301 - readoption with updated web address for ncleg.gov 52 .0302 - readoption with updated web address for ncleg.gov 52 .0303 - readoption with updated web address for ncleg.gov 52 .0402 - readoption with no change
52 .0403 - readoption with change to allow service by email to be included
52 .0404 - .0408 - readoption with no change
52 .0409 - readoption with change of word scheduled to noticed
52 .0601 - .0610 - readoption with no change
52 .0611 - readoption with change to remove CME submission form
52 .0612 - readoption with no change
52 .0613 - readoption with change to remove check fee which is included in another rule
52 .0701 - .1001 - readoption with no change
52 .1002 - readoption with Board address change
52 .1003 - .1401 - readoption with no change

Comments may be submitted to: *Tracy Steadman, 3739 National Drive, Suite 202, Raleigh, NC 27612; phone (919) 861-5583; email info@ncbpe.org*

Comment period ends: *January 4, 2027*

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

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

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

SECTION .0100 - ORGANIZATION OF THE BOARD

CHAPTER 52 - BOARD OF PODIATRY EXAMINERS

21 NCAC 52 .0101 NAME AND PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - EXAMINATION AND LICENSING

21 NCAC 52 .0201 APPLICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0202 EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0204 RE-EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0205 PRACTICE-AND-ETHICS TRAINING AND EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0207 ANNUAL RENEWAL OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0208 CONTINUING EDUCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0209 APPLICANTS LICENSED IN OTHER STATES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0210 FEE FOR VALIDATION OF LICENSEE LISTS; COMPUTER SERVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0211 MILITARY LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0212 SPECIALTY CREDENTIALING PRIVILEGES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0213 TEMPORARY LICENSE FOR CLINICAL RESIDENCY/FELLOWSHIP (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0214 NOTICE OF UNLICENSED ACTIVITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0215 LICENSE RE-INSTATEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - PROFESSIONAL CORPORATIONS

21 NCAC 52 .0301 REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0302 ANNUAL RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0303 PENALTIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - REVOCATION OR SUSPENSION OF LICENSE

21 NCAC 52 .0402 HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0403 SERVICE OF NOTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0404 PLACE OF HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0408 APPEAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0409 COMPLAINTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 – GENERAL PROVISIONS

21 NCAC 52 .0601 APPLICATION FOR EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0610 APPL/EXAM/PODIATRIST LICENSED/OTHER STATES (RECIPROCITY) (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0611 FORMS AND APPLICATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0612 PAYMENT OF FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0613 FEE SCHEDULE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - PETITIONS FOR RULES

21 NCAC 52 .0701 PETITION FOR RULEMAKING HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0702 CONTENTS OF PETITION FOR RULEMAKING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .0703 DISPOSITION OF PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 - DECLARATORY RULINGS

21 NCAC 52 .0804 NOTICE MAILING LIST (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1000 - DECLARATORY RULINGS

21 NCAC 52 .1001 SUBJECTS OF DECLARATORY RULINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1002 SUBMISSION OF REQUEST FOR DECLARATORY RULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1003 DISPOSITION OF REQUESTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1004 RECORD OF DECISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1005 DEFINITION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1200 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES

21 NCAC 52 .1202 SIMPLIFICATION OF ISSUES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1203 SUBPOENAS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1204 FINAL DECISIONS IN ADMINISTRATIVE HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1300 - NOMINATIONS FOR PODIATRISTS MEMBERS OF THE BOARD OF PODIATRY EXAMINERS: BOARD OF PODIATRY EXAMINERS CONSTITUTING A BOARD OF PODIATRY ELECTIONS: PROCEDURES FOR HOLDING AN ELECTION

21 NCAC 52 .1301 BOARD OF PODIATRY ELECTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 52 .1302 PROCEDURES FOR CONDUCTING ELECTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1400 - SCOPE OF PRACTICE

21 NCAC 52 .1401 SOFT TISSUE PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Human Resources Commission intends to amend the rules cited as 25 NCAC 01E .0309, .1302- .1306, .1901-.1910, repeal the rules cited as 25 NCAC 01E .0101, .0103, .0203- .0208, .0210- .0212, .0216, .0301- .0305, .0308, .0311, .0312, .0314, .0315, .0317, .0704, .0705, .0707, .0802, .0804, .0805, .0809, .0817, .0818, .0820, .0821, .0901- .0905, .0907- .0909, .1001, .1002, .1004- .1006, .1009- .1011, .1101- .1105, .1110, .1111, .1401, .1402, .1404, .1406, .1407, .1412, .1601- .1605, .1607, .1801-.1809, readopt with substantive changes the rules cited as 25 NCAC 01B .0201, .0213, and repeal through readoption the rules cited as 25 NCAC 01A .0103, .0104, .0106; 01B .0204, .0205, .0208, .0214-.0217; 01C .0215, .0401, .0402, .0405, .0501-.0504, .0507, .0701-.0703, .0801, .0802, .0813, .0901, and .1001-.1008.*

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

Link to agency website pursuant to G.S. 150B-19.1(c): *https://oshr.nc.gov/hr-governance/state-human-resources-commission*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 10, 2026*
Time: *2:00 p.m.*
Location:
https://teams.microsoft.com/meet/258181352793424?p=lM6sQK9By7BmBvpFa5 Meeting ID: 258 181 352 793 424 Passcode: JB7cw9Mf
Dial in by phone +1 984-204-1487,,431453216# United States, Raleigh
Find a local number Phone conference ID: 431 453 216#
Join on a video conferencing device Tenant key: ncgov@m.webex.com Video ID: 119 239 699 9

Reason for Proposed Action: *The State Human Resources Commission, with the approval of the Governor, propose to readopt, amend, and repeal rules. The proposed changes conform the rules to S.L. 2026-40, an Act to Modernize and Simplify the State Human Resources System, which enacted Chapter 126A of the General Statutes, and also update rules for clarity. Rules proposed for repeal are obsolete, redundant, or no longer necessary as a result of the statutory changes enacted by S.L. 2026-40.*

Comments may be submitted to: *Anna Perkinson, 1331 Mail Service Center, Raleigh, NC 27699; email OSHR-hrcommission@nc.gov*

Comment period ends: *January 4, 2027*

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 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01A - GENERAL PROVISIONS

25 NCAC 01A .0103 DEFINITIONS

Authority G.S. 126-4; 126-5; 126-12.

25 NCAC 01A .0104 EXCEPTIONS AND VARIANCES

Authority G.S. 126-4(10).

25 NCAC 01A .0106 DELEGATION OF AUTHORITY: DECENTRALIZATION

Authority G.S. 126-4.

SUBCHAPTER 01B - STATE HUMAN RESOURCES COMMISSION
SECTION .0200 – RULE-MAKING

25 NCAC 01B .0201 CONTENT AND PROCEDURE

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the Commission shall email OSHR-hrcommission@nc.gov or address a petition to:
Office of State Human Resources
1331 Mail Service Center
Raleigh, North Carolina 27699-1331.

(b) The petition shall be labeled ~~Petition~~ "Petition for ~~Rulemaking~~ Rulemaking" and contain the following information:

(1) ~~either a draft of the proposed rule or a summary of its contents;~~ the name and address of the petitioner;
(2) ~~reason for proposal;~~ the citation of the rule sought to be amended or repealed;
(3) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment(s); and ~~effect on existing rules or orders;~~
(4) ~~data supporting proposal;~~ a statement of the effect of the requested rule change.
(~~5~~) ~~fiscal note on the impact of the proposed rule on existing practices in the area involved, including cost factors and basis of analysis;~~
(~~6~~) ~~names of those most likely to be affected by the proposed rule with addresses if reasonably known;~~
(~~7~~) ~~name(s) and address(es) of petitioner(s).~~

(c) ~~The Office of State Human Resources shall examine the petition and weigh the information therein in relation to the public interest. The Office of State Human Resources shall consider all the contents of the submitted petition, plus any additional information the Office of State Human Resources deems relevant. The Office of State Human Resources shall make a recommendation to the Commission for the denial of the petition or the institution of rule making proceedings, as the case may be.~~ The State Human Resources Commission shall grant or deny a petition for rulemaking within 120 days of the date the rulemaking petition is received by the Office of State Human Resources. In making the decision, the State Human Resources Commission shall consider the information submitted in the petition and any other relevant information, including the following:

(1) whether the Commission has the authority to adopt the rule;
(2) the effect of the proposed rule on existing rules, programs, and practices;
(3) potential costs of the proposed rule; and
(4) the impact of the rule.

Authority G.S. 150B-20.

25 NCAC 01B .0204 PRESENTATIONS
25 NCAC 01B .0205 ORAL PRESENTATIONS

Authority G.S. 126-4.

25 NCAC 01B .0208 HEARING PROCEDURE

Authority G.S. 150B-12(d),(e).

25 NCAC 01B .0213 REQUESTS FOR DECLARATORY RULING

~~All requests for declaratory rulings shall be written and mailed to: Office of State Human Resources, 1331 Mail Service Center, Raleigh, North Carolina 27699-1331.~~

(a) A person aggrieved may requested a declaratory ruling pursuant to G.S. 150b-4 by submitting a written request to OSHR-hrcommission@nc.gov or to:

Office of State Human Resources
1331 Mail Service Center
Raleigh, NC 27699-1331

(b) The written request shall be labeled "Request for Declaratory Ruling" and include the following:

(A) The names and contact information for the person aggrieved;
(B) The statute or rule to which the petition relates;
(C) A statement of the manner in which the person is aggrieved by the statute or rule; and

(D) The question or issue on which a ruling is requested.

(c) The agency shall issue a declaratory ruling in accordance with G.S. 150B-4, except when:

(A) The subject matter of the request is involved in pending litigation that involves the person aggrieved;

(B) The question to be ruled upon is academic, moot, or indefinite as to time or place;

(C) The question involves disputed facts; or

(D) The request does not comply with Paragraph (b) of this Rule.

Authority G.S. ~~126-2; 126-4;~~ 150B-4.

25 NCAC 01B .0214 CONTENT
25 NCAC 01B .0215 REFUSAL TO ISSUE RULING
25 NCAC 01B .0216 TIME
25 NCAC 01B .0217 PROCEDURE

Authority G.S. 150B-17.

SUBCHAPTER 01C – PERSONNEL ADMINISTRATION

SECTION .0200 - GENERAL EMPLOYMENT POLICIES

25 NCAC 01C .0215 EMPLOYMENT CONTRACTS

Authority G.S. 126-4(6).

SECTION .0400 - APPOINTMENT

25 NCAC 01C .0401 APPOINTMENT DEFINED
25 NCAC 01C .0402 PERMANENT AND TIME-LIMITED APPOINTMENT

Authority G.S. 126-4(6).

25 NCAC 01C .0405 TEMPORARY APPOINTMENT

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

SECTION .0500 - WORK SCHEDULE

25 NCAC 01C .0501 STANDARD WORKWEEK
25 NCAC 01C .0502 VARIABLE WORK SCHEDULE
25 NCAC 01C .0503 IMPLEMENTATION
25 NCAC 01C .0504 LIMITATIONS

Authority G.S. 126-4.

25 NCAC 01C .0507 HOURS OF WORK DUE TO TIME CHANGE

Authority G.S. 126-4.

SECTION .0700 - SECONDARY EMPLOYMENT

25 NCAC 01C .0701 POLICY
25 NCAC 01C .0702 AGENCY RESPONSIBILITY

Authority G.S. 126-4.

25 NCAC 01C .0703 EMPLOYEE RESPONSIBILITY

Authority G.S. 126-4.

SECTION .0800 -- REQUIREMENTS FOR TELEWORKING PROGRAMS

25 NCAC 01C .0801 PURPOSE
25 NCAC 01C .0802 COVERED EMPLOYEES

Authority G.S. 126-4; S.L. 1999-328.

25 NCAC 01C .0813 TERMINATION OF TELEWORKING ARRANGEMENT

Authority G.S. 126-4; S.L. 1999-328.

SECTION .0900 - EMPLOYEE RECOGNITION PROGRAMS

25 NCAC 01C .0901 STATE HUMAN RESOURCES RESPONSIBILITY

Authority G.S. 126-4.

SECTION .1000 - SEPARATION

25 NCAC 01C .1001 DEFINED
25 NCAC 01C .1002 RESIGNATION
25 NCAC 01C .1003 RETIREMENT
25 NCAC 01C .1004 REDUCTION IN FORCE
25 NCAC 01C .1005 DISMISSAL

Authority G.S. 126-4; 126-5(c).

25 NCAC 01C .1006 VOLUNTARY RESIGNATION WITHOUT NOTICE
25 NCAC 01C .1007 SEPARATION

Authority G.S. 126-4(7a); 126-34.02.

25 NCAC 01C .1008 APPOINTMENT ENDED

Authority G.S. 126-4; 126-5.

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .0100 - LEAVE: GENERAL PROVISIONS

25 NCAC 01E .0101 POLICY

Authority G.S. 126-4; 126-8.

25 NCAC 01E .0103 LEAVE OFFSETTING

Authority G.S. 126-4.

SECTION .0200 - VACATION LEAVE

25 NCAC 01E .0203 VACATION LEAVE CREDITS
25 NCAC 01E .0204 TOTAL STATE SERVICE DEFINED
25 NCAC 01E .0205 MAXIMUM ACCUMULATION
25 NCAC 01E .0206 ADVANCEMENT
25 NCAC 01E .0207 LEAVE CHARGES
25 NCAC 01E .0208 LEAVE TRANSFERABLE

Authority G.S. 126-4.

25 NCAC 01E .0210 SEPARATION: PAYMENT OF VACATION LEAVE
25 NCAC 01E .0211 LEAVE RECORDS
25 NCAC 01E .0212 SPECIAL LEAVE

Authority G.S. 126-4.

25 NCAC 01E .0216 ACCOUNTING FOR CREDITABLE SERVICE

Authority G.S. 126-4; 126-8.

SECTION .0300 - SICK LEAVE

25 NCAC 01E .0301 SICK LEAVE CREDITS
25 NCAC 01E .0302 ACCUMULATION
25 NCAC 01E .0303 ADVANCEMENT
25 NCAC 01E .0304 VERIFICATION
25 NCAC 01E .0305 USE OF SICK LEAVE

Authority G.S. 126-4; 126-8.

25 NCAC 01E .0308 LEAVE CHARGES

Authority G.S. 126-4.

25 NCAC 01E .0309 VACATION AND SICK LEAVE TRANSFERABLE

(a) Unused vacation and sick leave shall ~~be transferred~~ transfer when an employee transfers between ~~state~~ executive branch agencies.

(b) ~~Sick~~ Vacation and sick leave may also be transferred to or from the judicial branch, the legislative branch, county agencies of mental health, public health, social services or emergency management, and a public school, community college or technical institute if the head of the employing agency or school administrative unit is willing to accept ~~it.~~ it, otherwise, it shall be handled in accordance with policies for treatment of leave at separation.

(c) Notwithstanding Paragraph (b) of this Rule, when an employee transfers from the judicial branch or legislative branch to a leave-earning position in an executive branch agency, the vacation and sick leave shall transfer to the executive branch agency.

Authority G.S. 126-4.

25 NCAC 01E .0311 SEPARATION
25 NCAC 01E .0312 REINSTATEMENT OF SICK LEAVE

Authority G.S. 126-4.

25 NCAC 01E .0314 SICK LEAVE WITHOUT PAY
25 NCAC 01E .0315 LEAVE RECORDS

Authority G.S. 126-4.

25 NCAC 01E .0317 DEFINITIONS

Authority G.S. 126-4.

SECTION .0700 - WORKER'S COMPENSATION LEAVE

25 NCAC 01E .0704 COVERAGE
25 NCAC 01E .0705 ADMINISTRATION

Authority G.S. 126-4(10); 143-581; 143-583.

25 NCAC 01E .0707 USE OF LEAVE

Authority G.S. 97-28; 126-4.

SECTION .0800 - MILITARY LEAVE

25 NCAC 01E .0802 MILITARY LEAVE

Authority G.S. 126-4; 127A-116.

25 NCAC 01E .0804 PERIODS OF ENTITLEMENT FOR ALL RESERVE COMPONENTS
25 NCAC 01E .0805 ADDITIONAL PERIODS OF ENTITLEMENT FOR RESERVE COMPONENTS OF THE UNITED STATES ARMED FORCES

Authority G.S. 126-4; 127A-116.

25 NCAC 01E .0809 RETENTION AND CONTINUATION OF BENEFITS

Authority G.S. 126-4; 127A-116.

25 NCAC 01E .0817 RETENTION AND CONTINUATION OF BENEFITS
25 NCAC 01E .0818 REINSTATEMENT FROM LEAVE WITHOUT PAY FOR MILITARY SERVICE

Authority G.S. 126-4(5).

25 NCAC 01E .0820 PERIODS OF ENTITLEMENT FOR MEMBERS OF THE STATE DEFENSE MILITIA

Authority G.S. 126-4(5).

25 NCAC 01E .0821 PERIODS OF ENTITLEMENT FOR CIVIL AIR PATROL

Authority G.S. 126-4(5).

SECTION .0900 – HOLIDAYS

25 NCAC 01E .0901 APPROVED HOLIDAYS
25 NCAC 01E .0902 RELIGIOUS OBSERVANCES
25 NCAC 01E .0904 TIME ALLOWED OFF
25 NCAC 01E .0905 ALTERNATIVE HOLIDAY SCHEDULES

Authority G.S. 126-4.

25 NCAC 01E .0907 WEEKENDS
25 NCAC 01E .0908 ELIGIBILITY
25 NCAC 01E .0909 FOUR-DAY WORKWEEKS

Authority G.S. 126-4.

SECTION .1000 - MISCELLANEOUS LEAVE

25 NCAC 01E .1001 JURY DUTY
25 NCAC 01E .1002 COURT ATTENDANCE OR JOB RELATED PROCEEDING

Authority G.S. 126-4.

25 NCAC 01E .1004 LEAVE: EMPLOYEE TRANSFER
25 NCAC 01E .1005 ADVERSE WEATHER AND EMERGENCY CLOSINGS
25 NCAC 01E .1006 COMPENSATORY TIME

Authority G.S. 126-4(5).

25 NCAC 01E .1009 OTHER MANAGEMENT APPROVED LEAVE
25 NCAC 01E .1010 NON-DISCRETIONARY TYPES OF OTHER MANAGEMENT APPROVED LEAVE
25 NCAC 01E .1011 DISCRETIONARY TYPES OF OTHER MANAGEMENT APPROVED LEAVE

Authority G.S. 126-4(5).

SECTION .1100 - OTHER TYPES OF LEAVE WITHOUT PAY

25 NCAC 01E .1101 POLICY
25 NCAC 01E .1102 MAXIMUM AMOUNT
25 NCAC 01E .1103 EMPLOYEE RESPONSIBILITY
25 NCAC 01E .1104 AGENCY RESPONSIBILITY
25 NCAC 01E .1105 RETENTION OF BENEFITS

Authority G.S. 126-4.

25 NCAC 01E .1110 SPECIAL PROV/PARENTAL LEAVE/EMPL NOT ELIGIBLE/FAMILY/MEDICAL LEAVE

Authority G.S. 126-4.

25 NCAC 01E .1111 EXTENDED LEAVE WITHOUT PAY

Authority G. S. 126-4.

SECTION .1300 - VOLUNTARY SHARED LEAVE PROGRAM

25 NCAC 01E .1302 ~~POLICY~~ VOLUNTARY SHARED LEAVE

(a) An employee may request, or be nominated by a fellow employee, to receive leave donated under this Section when the employee, or a member of the employee's immediate family has ~~In cases of~~ a prolonged medical condition. ~~condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee, from the sick leave or vacation account of an immediate family member as defined in Rule .0317 of this Subchapter or from the sick leave account of a non family member as provided in Rule .1305 of this Section.~~ For purposes of this ~~Rule,~~ Section, the following definitions shall apply:

(1) ~~prolonged medical condition~~ "Prolonged Medical Condition" means a medical condition that is likely to require an employee's absence from duty for a period of at least 20 consecutive workdays. An agency may treat a medical condition as prolonged if either of the following applies:
  (A) ~~If an~~ the employee has had repeated, previous ~~random~~ absences for the same condition; ~~condition that has caused excessive absences,~~ or
  (B) ~~if~~ the employee has had a ~~previous, but~~ different, prolonged medical condition within the last 12 months preceding the current absence. ~~months, the agency may make an exception to the 20 day period.~~
(2) "Immediate Family" means the following:
  (A) spouse;
  (B) parent, including a biological or adoptive parent, a step-parent, a parent-in-law, or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child;
  (C) child, including a biological child, an adopted child, a foster child, a step-child, an in-law, a legal ward (a minor placed by the court under the care of a guardian), or a child for whom the employee stands in loco parentis;

(D) sibling, including biological, adoptive, step, half, or in-law sibling;

(E) grandparent, great-grandparent, grandchild, or great-grandchild, including step relationships; and

(F) any other dependents living in the employee's household.

(b) Leave may be donated to a named recipient as provided in Rule .1305 of this Section. An agency shall not establish a leave bank for use by unnamed employees.

(c) An employee may begin using donated leave after all available sick, vacation, and bonus leave have been exhausted. While using donated leave, an employee continues to earn leave. When accounting for leave, earned vacation and sick leave shall be used before any donated leave.

(d) An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

~~(c) Participation in this program shall be limited to 1,040 hours, (prorated for part time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employees continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.~~

~~(d)~~(e) An employee on workers' compensation leave who is drawing temporary total disability compensation ~~may be~~ is eligible to participate in this program if the employee otherwise qualifies under Rule .1304 of this Section. The employee may use donated leave only to supplement weekly disability compensation in accordance with the Supplemental Leave Schedule found at https://oshr.nc.gov/workers-compensation-supplemental-leave-schedule, and only in an amount per week that, when added to the disability compensation, does not exceed the employee's pre-injury take-home or net pay. ~~program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.~~

~~(e) The employee shall exhaust all available leave before using donated leave.~~

(f) An employee in a position exempt from Part 3 of Article 7 of G.S. Chapter 126A may participate in this program if the employing agency has adopted this Section in accordance with 126A-1-26 for that position and the position earns vacation and sick leave. ~~Non-qualifying conditions: This leave does not apply to short-term or sporadic conditions or illnesses that are common, expected or anticipated. This includes such things as sporadic, short term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to the intent of this Rule and must be applied consistently and equitably.~~

Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20.

25 NCAC 01E .1303 ~~ADMINISTRATION~~ RECIPIENT RULES

An employee who qualifies as a recipient under Rule .1304 of this Section is subject to the following:

(1) A recipient may receive up to 1,040 hours of donated leave, prorated for part-time employees, for a single prolonged medical condition, whether the leave is used continuously or over recurring absences for the condition.

(2) An agency may extend a recipient's participation on a month-to-month basis, up to a total of 2,080 hours, prorated for part-time employees, if the agency would have otherwise granted the employee leave without pay.

(3) A recipient may not receive a combined total of more than 160 hours per year of sick leave donated by non-family member donors.

(4) Donated sick leave shall not be used for retirement purposes.

~~(a) All departments and universities shall develop policies and procedures to implement this program. If an agency's policy includes employees exempt from the State Human Resources Act who are in leave earning and reporting positions, leave may be shared between subject and exempt employees.~~

~~(b) Establishment of a leave "bank" for use by unnamed employees is prohibited. Leave shall be donated on a one-to-one personal basis.~~

~~(c) This Section does not apply to local government employees but shall apply to public school and community college employees as set forth in 25 NCAC 01E .1305.~~

Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20.

25 NCAC 01E .1304 QUALIFYING TO PARTICIPATE IN VOLUNTARY SHARED LEAVE PROGRAM AS A RECIPIENT

In order to participate in the Voluntary Shared Leave Program as a recipient of donated leave, ~~Program,~~ an employee ~~shall meet the following conditions:~~ shall:

(1) ~~A donor or recipient shall have a half-time or more permanent, probationary, trainee or time-limited appointment. (The limitation and leave balance for permanent part time employees shall be prorated,)~~ be in a full-time or part-time (half-time or more) employee in a permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or exempt appointment. Temporary employees are not eligible for voluntary shared leave under this Section;

(2) have a prolonged medical condition, or have a member of the employee's immediate family with a prolonged medical condition that requires the employee's absence;

(3) ~~A recipient shall~~ apply or be nominated by a fellow ~~employee to participate in the program,~~ employee, in accordance with the procedure established by the employing agency;

~~(3)~~(4) ~~A recipient shall~~ produce medical ~~evidence~~ evidence, including a doctor's statement, to support the need for leave beyond the available accumulated ~~leave,~~ leave; and

~~(4)~~(5) ~~The parent department or university shall review the merits of the request and approve or disapprove according to these Rules.~~ be approved by the employing agency based on the requirements set forth in this Rule.

Authority G.S. 126-4; 126A-7-10(a)(1); 126A-7-20.

25 NCAC 01E .1305 DONOR ~~GUIDELINES~~ RULES

(a) To donate leave, an employee shall:

(1) be a full-time or part-time (half-time or more) employee in a permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or exempt appointment;

(2) have sufficient leave balances to donate at the time of the donation; and

(3) donate a minimum of four hours of vacation, bonus, or sick leave.

(b) An employee of any ~~State~~ agency, public school ~~system~~ system, or community college may donate ~~vacation leave,~~ vacation, ~~bonus leave~~ bonus, or sick leave to an immediate family member in any ~~State~~ agency, public school or community college. An employee may donate vacation or bonus leave to another employee in any State agency or to a coworker's immediate family member who is an employee in a public school or community college provided the ~~employee~~ donor and coworker are in the same agency. An employee may donate sick leave to another employee in any ~~State~~ agency in accordance with the provisions of Paragraph ~~(b)~~(c) of this Rule. ~~Immediate family is defined in 25 NCAC 01E .0317 DEFINITIONS.~~

~~(b)~~(c) Sick leave may be donated as follows:

(1) ~~An~~ an employee of ~~a State~~ an agency may donate up to ~~five days~~ 40 hours of sick leave per year to any one ~~a nonfamily~~ non-family member employee of ~~a State agency.~~ an agency, not to exceed a total of 1,040 hours donated to non-family members per year. ~~The combined total of sick leave donated to a recipient from a nonfamily member donor shall not exceed 20 days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.~~

(2) ~~(c) The minimum amount of sick leave or vacation leave to be donated is four hours.~~ An employee family member donating sick leave to ~~a qualified~~ an immediate family member under the Voluntary Shared Leave program may donate up to a maximum of ~~1040 hours~~ 1,040 hours; ~~hours but may not reduce the sick leave account below 40 hours.~~

(3) no donation of sick leave shall reduce the donor's sick leave account below 40 hours; and

(4) an agency shall notify employees who donate sick leave in writing of the State retirement credit consequences of donating sick leave.

(d) The maximum amount of vacation leave ~~allowed to~~ that may be donated ~~by one individual~~ is the amount of the ~~individual's~~ donor's annual accrual rate. ~~However, the~~ The amount donated shall not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. Bonus leave may be donated without regard to this limitation.

(e) Limits and leave balances for part-time employees are prorated.

~~(e) An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating may not receive remuneration for the leave donated.~~

Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20.

25 NCAC 01E .1306 LEAVE ACCOUNTING PROCEDURES

~~The following conditions shall control the accounting and usage procedures for leave donations in the Voluntary Shared Leave program:~~

~~(1) The agency may establish a specific time period during which leave can be donated.~~

~~(2) All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.~~

~~(3) At the expiration of the medical condition, as determined by the agency, any unused leave in the recipient's donated leave account shall be treated as follows:~~

~~(a) The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part time employees).~~

~~(b) Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a~~

~~pro rata basis and credited to the leave account from which it was donated.~~

~~(4) If a recipient separates due to resignation, death, or retirement from state government, participation in the program ends. Donated leave shall be returned to active donor(s) on a pro rata basis.~~

(a) The agency shall credit all donated leave to the recipient's sick leave account.

(b) The recipient may use donated leave as it is credited. An agency may apply donated leave retroactively for up to 60 calendar days to replace advanced vacation or sick leave already granted to the recipient or to replace leave without pay. If an agency applies donated leave retroactively, it shall be applied to advance leave before it is applied to leave without pay.

(c) When the agency determines that the prolonged medical condition has ended, unused donated leave shall be treated as follows:

(1) the recipient's sick leave account balance shall not exceed a total of 40 hours, prorated for part-time employees; and

(2) unused donated leave in excess of the balance permitted in Subparagraph (1) of this Paragraph, shall be returned on a pro-rata basis to each donor who remains employed by the State and credited to the leave account from which it was donated.

Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126a-7-20.

SECTION .1400 - FAMILY AND MEDICAL LEAVE

25 NCAC 01E .1401 PURPOSE AND SCOPE
25 NCAC 01E .1402 ELIGIBLE EMPLOYEES

Authority G.S. 126-4(5); P.L. 103-3.

25 NCAC 01E .1404 LEAVE CHARGES

Authority G.S. 126-4(5); P.L. 103-3.

25 NCAC 01E .1406 AGENCY RESPONSIBILITY
25 NCAC 01E .1407 EMPLOYEE RESPONSIBILITY

Authority G.S. 126-4(5); P.L. 103-3.

25 NCAC 01E .1412 FAMILY ILLNESS LEAVE

Authority G.S. 126-4(5); S.L. 2002-126, s. 28.3B.

SECTION .1600 – VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE

25 NCAC 01E .1601 PURPOSE
25 NCAC 01E .1602 DEFINITIONS
25 NCAC 01E .1603 COVERED EMPLOYEES AND LEAVE CREDITS
25 NCAC 01E .1604 USES OF VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE

Authority G.S. 126-4.

25 NCAC 01E .1605 LEAVE ADMINISTRATION

Authority G.S. 126-4.

25 NCAC 01E .1607 SPECIAL LEAVE PROVISIONS

Authority G.S. 126-4.

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1801 POLICY
25 NCAC 01E .1802 DEFINITIONS
25 NCAC 01E .1803 RECRUITMENT DOCUMENTATION
25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS
25 NCAC 01E .1805 AMOUNT OF LEAVE
25 NCAC 01E .1806 RELATIONSHIP TO OTHER LEAVE
25 NCAC 01E .1807 CARRY-OVER AND PAYMENT OF LEAVE
25 NCAC 01E .1808 TRANSFER
25 NCAC 01E .1809 USE OF LEAVE

Authority G.S. 126-4(5).

SECTION .1900 – PAID PARENTAL LEAVE

25 NCAC 01E .1901 DEFINITIONS

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

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

(2) "Child" means a child as defined ~~at G.S. 126-8.6(a)(1).~~ in G.S. 126A-7-2(a)(1).

(3) "Parent" means:

(a) the mother or father of a child through birth or legal adoption; or

(b) an individual who cares for a child through foster or other legal placement under the direction of a government authority.

(4) "Qualifying event" means when an employee becomes a parent to a child.

Authority G.S. ~~126-5(c19); 126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

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

(a) This Section states the terms and conditions only for paid parental leave that is provided under G.S. 126A-7-2 ~~G.S. 126-8.6~~ by an agency, as defined in Rule .1901 of this Section.

(b) The paid parental leave provided under this Section is in addition to any other leave authorized by state or federal law.

Authority G.S. ~~126-5(c19); 126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE

(a) This Section applies to all agency employees subject to G.S. 126A-7-2, ~~G.S. 126-8.6,~~ whether or not those employees are exempt from other sections of the State Human Resources Act.

(b) Employees may receive paid parental leave under this Section only if they are in a ~~permanent,~~ permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or ~~probationary~~ exempt appointment. Temporary employees are not eligible for paid parental leave under this Section.

(c) An agency shall allow an employee to take paid parental leave under this Section only if, at the time of the qualifying event, the employee meets each of the following conditions.

(1) For the immediate 12 preceding months, the employee has been employed without a break in service as defined by 25 NCAC 01D .0114 in a ~~permanent,~~ permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or ~~probationary~~ exempt appointment, aggregating employment at any of these employers:
   (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
   (B) public school units that provide paid parental leave in accordance with ~~G.S. 126-8.6;~~ G.S. 126A-7-2; or
   (C) community college institutions of the State of North Carolina.

(2) The employee has been in pay status for at least 1,040 hours during the previous 12-month period, aggregating employment at any of these employers:
   (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
   (B) public school units that provide paid parental leave in accordance with ~~G.S. 126-8.6;~~ G.S. 126A-7-2; or
   (C) community college institutions of the State of North Carolina.

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

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

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

~~(1) For a parent who gives birth to a child, eight total weeks of paid parental leave, made up of:~~
   ~~(A) Four weeks for physical and mental recuperation, and~~
   ~~(B) Four additional weeks for~~ twelve weeks of leave for bonding with the ~~child.~~ child when the employee becomes a parent to a child.

~~(2) For any other qualifying event, four weeks of paid parental leave for bonding with the child.~~

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

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

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

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

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

25 NCAC 01E .1906 USE OF OTHER LEAVE

The paid parental leave provided under this Section shall not be counted against or deducted from the employee's sick, vacation, bonus, or other accrued leave. For agency employees, the paid parental leave provided under this Section is in addition to any other leave authorized by law, rule, or policy, including but not limited to leave without ~~pay provided under 25 NCAC 01E .1110,~~ pay, voluntary shared leave under ~~G.S. 126-8.3~~ G.S. 126A-7-20 and 25 NCAC 01E .1300, or family and medical leave. However, when an employee becomes eligible ~~eligible, as described in 25 NCAC 01E .1400,~~ for family and medical leave, the paid parental leave under this Section shall run concurrently with the family and medical leave.

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

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

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

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

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

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

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

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

25 NCAC 01E .1908 LEAVE ADMINISTRATION

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

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

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

~~(d) Employees shall submit documentation that they will use paid parental leave for a qualifying event under this Section. An agency may take appropriate action if an employee fraudulently requested or used paid parental leave. This action may include revoking approval and disciplinary action up to and including dismissal, pursuant to 25 NCAC 01J .0600.~~

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

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

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

(a) When ~~a child is given up for adoption or placed in foster care,~~ custody of a child is transferred, including through adoption or foster care, from that point ~~forward:~~ forward the birth parent shall be eligible for four weeks of paid leave for physical recuperation if the birth parents meets the eligibility requirements in Rule .1903 of this Section. Part-time employees shall receive a pro-rated amount of leave as described in Rule .1905 of this Section.

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

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

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

25 NCAC 01E .1910 MISCARRIAGE OR STILLBIRTH

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

(b) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is ~~complete:~~ complete, the birth parent shall receive four weeks of leave for recuperation if the birth parent meets the eligibility requirements in Rule .1903 of this Section. Part-time employees that meet the eligibility requirements in Rule .1903 of this Section shall receive a pro-rated amount of leave as described in Rule .1905 of this Section.

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

(c) When a child dies after childbirth is complete, each parent of the child who meets the eligibility requirements in Rule .1903 of this Section shall receive the ~~full~~ paid parental leave listed in Rule .1904 ~~.1904(a)(1) and (a)(2)~~ of this Section. The paid parental leave will not be ended at the time of the child's death.

~~(d) In any of the situations in this Rule, agencies can allow adequate time to the parents for bereavement and recovery, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.~~

Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1).

Note from the Codifier: *The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication.*
This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10A .1503*

Effective Date: *October 19, 2026*

Codifier determined that agency's findings of need did not meet criteria for emergency rule on October 9, 2026.

Reason for Action: *People feeding bears in Buncombe County has created an immediate and significant threat to public health and safety. This has caused the significant increase in the number of bears threatening residents outside their homes and forcing entry into homes. To date, one resident has been hospitalized for injuries caused by a bear in their home. The culmination of undesirable bear behavior necessitates an expedited timeline.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY
SUBCHAPTER 10A - WILDLIFE RESOURCES COMMISSION

SECTION .1500 - EVIDENCE

15A NCAC 10A .1503 NEGLIGENTLY FEEDING OR ATTRACTING BEARS

The feeding of black bears and the placement of food or food products that attract black bears are prohibited in Buncombe County. This prohibition shall not apply to the feeding of birds, pets, or livestock, or the lawful use of bait to take game animals, including the lawful placement of bait under 15A NCAC 10B .0202 (b), unless the activity constitutes an attractant that is determined by the Commission to create the potential for injury or death to humans or domestic animals or cause damage to property.

Authority G.S.113-132(b); 113-134; 113-291.1(b)(2); 113-294(r).

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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: *Medical Care Commission*

Rule Citation: *10A NCAC 13E .0302, .0303, .0308, .0309, .0403*

Effective Date: *October 7, 2026*

Date Approved by the Rules Review Commission: *September 29, 2026*

Reason for Action: *On April 30, 2026, House Bill 696 was signed into law and became S.L. 2026-1. This new law titled "Increased Bed Capacity for Facilities Licensed to Provide a Program of Overnight Respite Services" revised N.C.G.S. 131D-6.1(c) governing licensed overnight respite services in adult day programs. The changes provided in the new law become effective on July 1, 2026. S.L. 2026-1 makes significant changes to the allowable capacity and number of individuals who can be served in these overnight respite programs. S.L. 2026-1 also gives authority to the Medical Care Commission for adopting emergency and temporary rules as necessary to implement the new requirements of G.S. 131D-6.1(c). Current rules governing the licensing of overnight respite services in adult day programs are found in Subchapter 13E of Title 10A of the Administrative Code. Given the changes to the law that will become effective July 1, 2026, and the fact that temporary or permanent rulemaking cannot be accomplished by that date, the Agency is making certain amendments to the existing rules to conform with the provisions in S.L. 2026-1 that become effective July 1, 2026. Additionally, in order to implement the provisions of the new law, various existing rules need to be amended to ensure the health, safety and welfare of overnight respite participants, including changes to staffing, physical plant, and life safety requirements. Therefore, the Agency seeks to amend Subchapter 13E of Title 10A under emergency procedures.*

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13E – LICENSING OF OVERNIGHT RESPITE SERVICES

SECTION .0300 - PHYSICAL PLANT RULES

10A NCAC 13E .0302 CAPACITY

(a) Pursuant to G.S. 131D-6.1(c)(8), the Division of Health Service Regulation shall not approve a capacity of greater than ~~six [twelve (12)]~~ 12 participants for an overnight respite services program. For the purposes of this Rule, "capacity" means the maximum number of participants that the overnight respite services program is licensed to house at any given time.

(b) An overnight respite services program shall not exceed the capacity shown on its license. The license shall indicate the overnight respite services program's capacity for ambulatory and non-ambulatory participants ~~[permitted]~~ that an overnight respite services program facility can house at any given time. For the purposes of this Rule, "ambulatory" means the participant is able to respond and evacuate from the facility without verbal or physical assistance from others in the event of an emergency. "Non-ambulatory" means the participant is not able to respond and evacuate from the facility without verbal or physical assistance from others in the event of an emergency.

(c) Prior to an increase in capacity by adding rooms, altering ~~rooms, or~~ rooms, remodeling, changing use of ~~space,~~ space, or without building modifications, the overnight respite services program shall submit a request for capacity increase and two building plans of each floor to the Construction Section. One plan shall indicate the current use of rooms in the existing building. The other plan shall indicate the proposed use of rooms in the existing building and its addition, alteration, remodeling, or change in use of space. For an addition to an existing building, the building plans shall also indicate how the addition will be tied into the existing building and any proposed changes to the building structure.

(d) When ~~the~~ an overnight respite services program increases its capacity by the addition to or alteration of an existing building, the entire overnight respite services program shall comply with the North Carolina ~~Fire Prevention Code,~~ State Building Codes, which ~~is~~ are incorporated herein by reference including subsequent amendments and editions. Copies of ~~this code~~ these codes may be ~~purchased from the International Code Council online at http://www.iccsafe.org/Store/Pages/default.aspx at a cost of eighty-five dollars ($85.00) or~~ accessed electronically free of charge at ~~http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Fire/index.html.~~ https://codes.iccsafe.org/codes/united-states/north-carolina.

Authority G.S. 131D-6.1.

10A NCAC 13E .0303 DESIGN AND CONSTRUCTION

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

(1) ~~"facility"~~ "Facility" means a building or portion of a building housing an overnight respite services program as defined in G.S. ~~131D-6.1(a);~~ 131D-6.1(a).

(2) ~~"proposed facility"~~ "Proposed facility" means the new construction of a building for a facility, an addition or alteration to an existing building for a facility, or the change in use of a building for a ~~facility;~~ facility.

(3) ~~"existing facility"~~ "Existing facility" means a currently licensed facility ~~and a proposed~~

facility that will be built according to building plans approved by the Construction Section for compliance with the standards established in this Section, built prior to the effective date of this Rule; and Rule.

(4) "new facility" "New Facility" means a facility that has not been licensed previously as an overnight respite services program and for which an initial license is sought. The term also includes a proposed facility that will be built according to building plans approved by the Construction Section for compliance with the standards established in this Section, on or after the effective date of this Rule.

(b) The physical plant requirements for each facility shall be applied as follows:

(1) A new facility shall meet the standards established in this Section.

(2) An existing facility shall meet the standards established in this Section that were in existence at the time of change in use of space, space, increase in capacity, construction, addition, alteration, or repair. Copies of existing physical plant standards may be obtained from the N. C. Department of Health and Human Services, Division of Health Service Regulation, Construction Section, 1915 Health Services Way, Raleigh, NC 27607 at no cost.

(3) An existing building converted from another use that a program intends to use for an overnight respite services program shall meet all the requirements of a new facility as indicated in Subparagraph (1) of this Paragraph.

(c) All new construction, additions, additions, modifications, renovations, or alterations for a new facility requesting licensure for less than seven participants shall meet the requirements of the North Carolina State Building Codes, Code: Residential Code. [Code for overnight respite services programs requesting licensure for less than seven (7) participants.] Additionally, overnight respite services programs requesting licensure for four to six participants shall meet the North Carolina State Building Code: Building Code, Licensed Residential Care Facilities Section in effect at the time of licensure. Before starting any construction or alterations, the [overnight respite services program] applicant or his appointed representative administrator or their designee shall [consult with] contact the local building code enforcement official for information about required permits and construction requirements.

(d) All new construction, additions, modifications, renovations, or alterations for a new facility requesting licensure for [seven (7)] 7 to [twelve (12)] 12 participants shall meet the requirements of the North Carolina State Building Code: Building Code, Licensed Large Residential Care Facilities Section in effect at the time of licensure. Before starting any construction or alterations, the [overnight respite services program] applicant or his appointed representative administrator or their designee shall [consult with] contact the local building code enforcement official for information about required permits and construction requirements. The North Carolina State Building Codes, which are incorporated herein by reference reference, including subsequent amendments and editions. Copies of these codes editions, 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://codes.iccsafe.org/North%20Carolina.html. https://codes.iccsafe.org/codes/united-states/north-carolina. All new construction, additions, or repairs of an existing facility shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, alteration, or repair.

(e) All new construction, additions, modifications, renovations, or alterations of an existing facility shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, modification, renovation, alteration, or repair. Before starting any construction or alterations, the [overnight respite services program] applicant or his appointed representative administrator or their designee shall [consult with] contact the local building code enforcement official for information about required permits and construction requirements. The existing North Carolina State Building Codes may be accessed electronically free of charge at https://www.ncosfm.gov/codes/codes-current-and-past.

(d)(f) A facility shall be constructed, equipped, and maintained to comply with the standards established in this Section for the capacity indicated on its license.

(e)(g) The Construction Section Division may grant an equivalency to allow an alternate methods, procedures, design or criteria, or functional variation from the requirements of this Rule and the rules contained in this Section. For the purposes of this Rule, an "equivalency" is a Construction Section-approved alternate method, procedure, design criteria, or and functional variation to a requirement contained in the rules of this Section that meets the intent of the rule requirement but does not reduce the safety and operational effectiveness of the facility design and layout. If granted, the equivalency shall apply to a specific facility. A program shall be granted an equivalency if: The equivalency may be granted by the Construction Section Division when the administrator applicant, or their designee his appointed representative submits a written equivalency request to the Construction Section Division that states the following:

(1) the overnight respite services program submits a written equivalency request to the Construction Section indicating:

(A) the rule requirement that will not be met;

(B) the justification for the equivalency; and

(C) how the proposed equivalency meets the intent of the corresponding rule requirement; and

(2) the program receives a written approval of the equivalency from the Construction Section.

(1) the rule citation and the rule requirement that will not be met because strict conformance with current requirements would be:

(A) impractical;

(B) unable to be met due to extraordinary circumstances. For the purpose of this

Rule, "extraordinary circumstances' means situations that are unexpected and beyond the control of the facility; or

(C) unable to be met due to new programs.

(2) the justification for the equivalency; and

(3) how the proposed equivalency meets the intent of the corresponding rule requirement.

(h) In determining whether to grant an equivalency request, the Construction Section [~~Division~~] shall consider whether the request will reduce the safety and operational effectiveness of the facility. The administrator or their designee ~~facility~~ shall have ~~maintain~~ a copy of the approved equivalency issued by the Construction Section [~~Division~~].

~~(f)~~(i) If any of the rules, codes, or standards contained in this Section conflict, the most restrictive requirement shall apply.

~~(g)~~(j) For an existing facility whose license is revoked or suspended by the Division of Health Service Regulation pursuant to G.S. 131D-6.1(g)(2) for at least 60 days, the facility shall meet the requirements of a new facility as required by Subparagraph (b)(1) of this Rule prior to being relicensed.

~~(h)~~(k) Prior to commencement of construction or change in use of space, any program intending to offer overnight respite care services that is planning new construction, an ~~addition~~ addition, modification, renovation, or alteration to an existing building, or a change in use of space shall submit building plans and other documents to the Construction Section as specified in Rule .0301 of this Section.

~~(i)~~(l) If the building to be used for a facility is two or more stories in height, it shall meet the following additional requirements:

(1) construction shall not exceed the allowable area for occupancy in the North Carolina State Building ~~Code;~~ Code: Building Code;

(2) participants shall be housed on the level of the principal exterior door as defined in Rule .0312(c) of this Section; and

(3) participant-use areas shall be located on the level of the principal exterior door.

~~(j)~~(m) The basement and the attic shall not to be used for storage or sleeping.

~~(k)~~(n) The ceiling height throughout the facility shall be at least seven and one-half feet from the floor.

~~(l)~~(o) Elevation changes in the floor are not permitted in participant-use ~~areas.~~ areas. Steps and ramps between levels are not permitted.

~~(m)~~(p) The door width shall be a minimum of two feet and six inches in the kitchen, dining room, living room, bedrooms, and bathrooms.

~~(n)~~(q) ~~Windows shall be operable and~~ All windows that are designed to be operable shall be maintained operable. For the purposes of this Rule, "operable" means a window that may be opened and shut to allow outdoor-air ventilation. To inhibit participant elopement from any window, the window opening may be restricted to a six-inch opening.

~~(o) Before starting any construction or alterations, the overnight respite services program shall consult with the local building code official for information about required permits and construction requirements.~~

~~(p)~~(r) The facility shall ~~comply with the sanitation rules of the North Carolina Division of Public Health, Environmental Health Services Section,~~ meet sanitation requirements set forth in 15A NCAC 18A .1600, Rules Governing the Sanitation of Residential Care Facilities, which are incorporated herein by ~~reference~~ reference, including subsequent amendments and editions. ~~The "Rules Governing the Sanitation of Residential Care Facilities," 15A NCAC 18A .1600 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 27609.~~ Copies of these Rules may be ~~obtained from the Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632 at no cost or can be~~ accessed electronically free of charge at http://ehs.ncpublichealth.com/docs/rules/294306-4-1600.pdf. ~~[https://www.oah.nc.gov/.]~~

~~(q)~~(s) The facility shall have a copy of the following inspection reports available for review upon request by the Construction Section:

(1) a ~~current~~ sanitation inspection report from the sanitation division of the county health ~~department;~~ department dated within the past 12 months; and

(2) a ~~current~~ fire and safety inspection report from the local fire ~~marshal.~~ marshal dated within the past 12 months.

~~(r)~~(t) The building housing a facility shall be equipped with a fire alarm system with pull stations on each floor and sounding devices that are audible throughout the building. The fire alarm system shall be equipped to transmit an automatic signal to the local emergency fire department dispatch center, either directly or through a central station monitoring company connection. The fire alarm system shall be installed in accordance with National Fire Protection Association (NFPA) 72, which is incorporated herein by ~~reference~~ reference, including subsequent amendments and ~~editions~~ editions, and may be ~~obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269 at the cost of ninety-six dollars and 50 cents ($96.50).~~ accessed electronically free of charge at https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=72.

(u) Underwriters Laboratory (U.L.) listed heat detectors are required in attics and basements and shall be connected to the fire alarm system. These heat detectors shall be interconnected and provided with battery backup. Corridors shall be equipped with smoke detectors that are connected to the fire alarm system.

~~(s)~~(v) A building housing an overnight respite services program or an adult day care or adult health care program shall be equipped with a wet pipe sprinkler system in accordance with NFPA 13, which is incorporated herein by ~~reference~~ reference, including subsequent amendments and ~~editions~~ editions, and may be ~~obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269 at the cost of one hundred and three dollars ($103.00).~~ accessed electronically free of charge at https://www.nfpa.org/codes-and-standards/nfpa-13-standard-development/13.

Authority G.S. 131D-6.1.

10A NCAC 13E .0308 BEDROOMS

(a) There shall be bedrooms sufficient in number and size to meet the individual needs of the ~~participant~~ participants according to their age and gender.

(b) A room used as a bedroom shall meet the requirements of this Rule and be approved by the Construction Section.

(c) A room accessed only through a bathroom, kitchen, or another bedroom shall not be approved for a participant's bedroom.

(d) Bedrooms occupied by one participant shall be provided with not less than 100 square feet of floor area, ~~including~~ excluding accessory areas such as ~~vestibule, closet, or wardrobe space.~~ vestibules, closets, wardrobes, or bathrooms. Bedrooms occupied by two participants shall be provided with not less than 160 square feet of floor area, ~~including~~ excluding accessory areas such as ~~vestibule, closet, or wardrobe space,~~ vestibules, closets, wardrobes, or bathrooms.

(e) The total number of participants assigned to a bedroom shall be based on the square footage requirements of Paragraph (d) of this Rule as approved by the Construction Section for that bedroom.

(f) A bedroom shall not be occupied by more than two participants.

(g) Each participant bedroom shall have one or more operable windows with views to the outdoors. For facilities with a licensed capacity of less than seven participants, at least one operable window shall meet the requirements of the North Carolina State Building Code: Residential Code for emergency egress. [~~for facilities with a licensed capacity of less than seven (7) participants.~~] For facilities with a licensed capacity of [~~seven~~] 7 to [~~twelve~~] 12 participants, windows shall meet the requirements of the North Carolina State Building Code: Building Code. The gross window area shall be equal to at least eight percent of the floor space required by Paragraph (d) of this Rule. [~~Rule, and shall be equipped with insect-proof screens. To inhibit participant elopement, the window opening may be restricted to a six inch opening, except windows meeting the emergency egress requirements of the North Carolina State Building Code: Residential Code.~~] The windows shall have a maximum sill height of 44 inches.

(h) Bedroom closets or wardrobes shall be large enough to provide each participant with a minimum of 22 cubic feet of clothing storage, one-half of which shall be for hanging clothes with an adjustable-height hanging bar.

Authority G.S. 131D-6.1.

10A NCAC 13E .0309 BATHROOM

(a) An overnight respite services program shall have a minimum of one bathroom for ~~each~~ every six or fewer respite participants. A bathroom shall contain a toilet, a ~~lavatory,~~ [~~sink~~] sink, and one of the following:

(1) a roll-in shower designed and equipped for unobstructed shower chair entry and use;
(2) a bathtub accessible on three sides; or
(3) a manufactured walk-in bathtub or a similar manufactured bathtub designed for transfer of participants into the bathtub that is accessible on one short side and one long side of the bathtub.

(b) ~~The~~ A bathroom required by Paragraph (a) of this Rule may be shared with the adult day care program or adult day health program only after the Division of Aging ~~and Adult Services~~ of the Department of Health and Human Services determines, in writing, that the requirements of 10A NCAC 06R .0401(g) for an adult day care facility and 10A NCAC 06S .0301 for an adult day health facility are met.

(c) A bathroom shall be designed to provide privacy. A bathroom with two or more toilets shall have privacy partitions or curtains for each toilet. Each bathtub or shower shall have privacy partitions or curtains. [~~The requirements of this Paragraph shall apply to new and existing facilities.~~]

(d) The entrance to the bathroom shall not be through a kitchen, another participant's bedroom, or another bathroom.

(e) The bathroom shall be located so that there is no more than 40 feet between any participant's bedroom door and a participant-use bathroom door.

(f) Hand grips shall be installed at all toilets, bathtubs, and showers used by participants. Hand grips shall be physically attached [~~mechanically fastened or anchored~~] to the walls with screws, nails or other fasteners, be located to help participants in entering and exiting bathtubs, showers, manufactured walk-in tubs, or similar bathing fixtures, and be on the wall adjacent to toilets.

(g) Nonskid surfacing or strips shall be installed to the ~~floor or~~ bottom of ~~showers and bathtubs.~~ showers, bathtubs, or similar bathing fixtures.

(h) A bathroom shall have ~~mechanical ventilation at the rate of two cubic feet per minute for each square foot of floor area.~~ an exhaust system per the North Carolina State Building Code: Residential Code for facilities licensed for less than [~~seven~~] 7 participants, and per the North Carolina State Building Codes: Building Codes for facilities licensed for [~~seven~~] 7 to [~~twelve~~] 12 participants. The ~~mechanical ducted~~ exhaust vent shall be vented directly to the outdoors.

(i) The bathroom floor shall have a non-slippery water-resistant covering.

Authority G.S. 131D-6.1.

SECTION .0400 – STAFF QUALIFICATIONS AND STAFFING

10A NCAC 13E .0403 STAFF AND STAFFING

(a) Each staff person shall:

(1) have a job description that reflects actual duties and responsibilities determined by the program and shall be signed by the administrator and the employee;
(2) ~~have a tuberculin skin test within 12 months prior to hire and annually thereafter;~~ be tested for tuberculosis disease in compliance with control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205 [~~.0205, which is hereby incorporated by reference, including subsequent amendments,~~]
(3) be able to implement all of the program's policies and procedures as defined in Rule

.0501 of this Subchapter and accident, fire safety, and emergency procedures for the protection of the participants in accordance with the Rules of this Subchapter and Chapter 131D of the general statutes;

(4) be informed of the confidential nature of participant information and protect and preserve the information from unauthorized use and disclosure;

(5) not hinder or interfere with the exercise of the participants rights as defined by program ~~policy;~~ policy in accordance with Rule .0501 of this Subchapter;

(6) have no substantiated findings listed on the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256;

(7) have a statewide criminal background check, upon hire, of the past five years in accordance with G.S. 143B-932; and

(8) cooperate with inspectors and the monitoring and licensing agencies in complying with the rules of this Subchapter.

(b) Any staff member left in charge of the care of participants shall be 18 years or older.

(c) ~~The staffing pattern shall be adequate~~ There shall be staff on duty to meet the needs of each participant, with at least one staff person ~~present~~ on duty and awake at all times qualified to administer medications as defined by Rule .0702 of this Subchapter and trained to provide personal care and supervision to current participants.

(d) In a facility with a census of 7 to 12 participants, there shall be at least two staff persons on duty and awake at all times who are responsible for providing personal care and supervision to participants, with at least one of the staff persons qualified to administer medications as defined by Rule .0702 of this Subchapter. The staff persons shall be trained to provide personal care and supervision to current participants.

(e) Staff assigned to provide personal care and supervision duties shall not provide food service and housekeeping duties, except when housekeeping duties are incidental to the rendering of care services and do not hinder the assigned staff's duties of care or immediate response to participants, nor impede the assigned staff member's ability to monitor the participants. For the purposes of this Rule, "food service duties" means tasks performed by staff related to serving meals to participants, including assisting with food preparation, arranging and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete, and "housekeeping duties" means tasks performed by staff such as cleaning and sanitizing facility common areas and resident rooms.

(f) There shall be additional staff employed to provide food service and housekeeping duties.

~~(d)~~(g) Services required by participants beyond personal care and supervision shall ~~not~~ only be provided ~~unless~~ by licensed health professionals in accordance with North Carolina licensing laws. ~~staff satisfies the license requirements applicable to such services.~~

(h) There shall be documentation on file in the facility of staff qualifications required by Subparagraphs (1), (2), (6), and (7) in Paragraph (a) of this Rule and medication administration competency evaluation as required in Rule .0702 of this Subchapter.

Authority G.S. 131D-6.1.

*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 September 29, 2026 Meeting.

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Certification Training for LIDAR Operators	12 NCAC	09B	.0238	40:18 NCR
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SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BOARD OF EXAMINERS FOR

Licensee Requirements	21 NCAC	64	.1003*	40:21 NCR

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13L .0101 DEFINITIONS

The following definitions apply throughout this Subchapter:

(1) "Division" means the Division of Health Service Regulation within the Department of Health and Human Services.

(2) "Premises" means a building and the tract of land upon which it sits.

History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0201 APPLICATION FOR LICENSE

(a) Requests for a nursing pool license shall be submitted on application forms made available by the Division. Each application shall include the following information:

(1) Business identification consisting of the following:
  (A) The business name or names under which the licensed services will be offered in brochures, yellow pages, and other advertisements.
  (B) The full street address location of the office premises which the public will contact to obtain the offered nursing pool services.
  (C) The postal address of the office for which licensing is requested.
  (D) A listing or description of any state issued licenses applicable to the premises for which the application is submitted.

(2) Ownership disclosure consisting of the following:
  (A) The name of the legal person, corporation, partnership, or proprietor, with ownership liability and authority applying for a license.
  (B) The name, business title, address, and telephone number of the proprietor, managing partner, or chief executive officer.
  (C) The name of other corporations, trusts, or holding companies involved when the applying entity is a wholly owned subsidiary corporation.

(3) Names, title and telephone number of the on-site manager for the location to be licensed.

(4) General information on all health care related services expected to be offered to the public from the premises on the effective date of licensure.

(b) Nursing pools subject to this Subchapter, but exempt from separate licensure, shall submit an application in accordance with this Rule and an addendum to their existing license shall be issued.

(c) A physical copy of this Subchapter together with the governing statutes shall be printed and maintained on the licensed premises for use by the on-site personnel.

History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0202 ISSUANCE OF LICENSE

(a) Each site shall be individually licensed when it has been determined by the Division that the site involved is substantially in compliance with the Subchapter. Business sites using the same public business name already licensed by the Division pursuant to G.S. 131E, Articles 5 or 6 shall have: "nursing pool" added to their existing license.

(b) Nursing pools administered by health care facilities as defined in G.S. 131E-154.2 of the Nursing Pool Licensure Act, and agencies licensed under Article 5 or 6 of Chapter 131E of the General Statutes are not required to comply with the provisions of this Subchapter.

(c) All licenses shall be renewed every two years.

History Note: Authority G.S. 131E-154.3; 131E-154.4; 131E-154.5:
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0203 PROGRAM COMPLIANCE

(a) The Division shall implement and maintain a regulatory oversight system for nursing pools that includes review of initial and renewal applications, complaint investigations, and on-site inspections with sites in the state as a means for monitoring and determining program compliance. This system shall be applied uniformly to all licensed and license-exempt nursing pool premises. Routine licensing renewal activities may be conducted by mail. Licensing of nursing pools with sites outside the state, but which provide personnel to health care facilities within the state, shall be conducted by mail.

(b) In the event of non-compliance with any rule or rules in this Subchapter or the Nursing Pool Licensure Act, the business shall be given no more than thirty days to correct the non-compliance.

(c) The Division may suspend, revoke, annul, withdraw, recall, cancel, or amend a license in accordance with G.S. 131E-154.6 for any nursing pool that substantially fails to comply with the rules contained in this Subchapter or that fails to implement an approved plan of correction for violations of rules cited by the Division. A nursing pool may appeal any adverse decision made by the Division concerning its license by making such appeal in accordance with the Administrative Procedure Act, G.S. 150B and departmental rules 10A NCAC 01 et seq. As provided for in G.S. 131E-154.7, the Division may seek injunctive relief to

prevent a person from establishing or operating a nursing pool without a license.

History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0204 PUBLIC DISPLAY

(a) The nursing pool's license shall be valid only for the premises on which displayed and specified on the license.
(b) The public use of the pool's license status shall not be included in any advertisement which involves any unlicensed services offered by the licensee and has the potential for misleading the public into believing that both covered and non-covered services are represented by the license.

History Note: Authority G.S. 131E-154.3; 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0301 WRITTEN POLICIES AND PROCEDURES

(a) The nursing pool shall have written administrative and personnel policies to govern the services that it provides. These policies shall include those concerning patient care, personnel, training and orientation, supervision, employee evaluation, and organizational structure.
(b) At the option of the licensee, written policies and procedures may address other services not subject to the Nursing Pool Licensure Act. The Division shall not require separate policies and procedures if the premises from which nursing pool services are offered also offers additional temporary nursing services not subject to licensure.
(c) Policies shall provide that no reprisal action shall be taken against any employee who reports instances of patient rights violations or patient abuse, neglect, or exploitation to the appropriate governmental authority.
(d) The nursing pool shall retain all administrative records for five years and shall make these records available to the Division upon request. Administrative records shall include:

(1) documents evidencing control and ownerships, such as corporation or partnership papers;
(2) policies and procedures governing the operation of the agency;
(3) minutes of the agency's professional and administrative staff meetings;
(4) reports of complaints, inspections, reviews, and corrective actions taken related to licensure; and
(5) contracts and agreements to which the agency is a party.

History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Amended Eff. April 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0302 PERSONNEL RECORDS

(a) A nursing pool shall maintain a personnel record on each individual in the pool.
(b) Each individual's personnel record shall include:

(1) A legible copy of an unexpired license verification to practice nursing as a registered nurse or a licensed practical nurse or an unexpired Nurse Aide I or Nurse Aide II listing verification.
(2) A completed job application with employment history, training, education, continuing education, and identification data including name, address, and telephone number.
(3) Results of reference checks.
(4) Performance evaluations annually. The annual performance evaluation shall include feedback from the health care facility of the on-site performance of contracted nursing personnel.

(c) Personnel records shall be maintained for one year after termination from agency employment.

History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Amended Eff. April 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 13L .0303 INSURANCE REQUIRED

The nursing pool shall carry general and professional liability insurance written by an insurer approved by the North Carolina Department of Insurance. The terms of such insurance shall be disclosed to clients receiving services from the license.
History Note: Authority G.S. 131E-154.4;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13M .0101 STATE CERTIFICATION FOR LABORATORIES CONDUCTING PAP SMEARS

(a) All laboratories evaluating Pap smears shall be state certified by the Division of Health Service Regulation, Department of Health and Human Services, in accordance with this Rule.
(b) To be state certified, all laboratories shall be licensed under the federal Clinical Laboratory Improvement Amendments, 42 USC 263a, as amended or certified by the Centers for Medicare and Medicaid Services for the specialty of cytology.
(c) To be state certified, laboratories shall perform Pap smear examinations only on specimens submitted by a health care provider whose scope of practice includes the function of Pap smears.
(d) An application for state certification shall be submitted to the Division of Health Service Regulation listing the name and

location of the laboratory requesting certification, the name of the laboratory director and evidence that the laboratory meets the requirements listed in Paragraphs (b) and (c) of this Rule. Laboratories will be notified in writing within 45 days of the receipt of the application that they have been certified, or if certification has been denied, of the reasons for denial.

(e) State certification must be renewed by a facility when licensing or certification renewal is required by the program that established state certification eligibility pursuant to Paragraph (b) of this Rule.

(f) If a laboratory's license or certification for one of these programs is suspended or revoked, the laboratory director shall immediately notify the Division of Health Service Regulation and the laboratory's state certification under this Rule shall be revoked. The laboratory may apply for recertification when it can provide evidence that it meets the requirements listed in Paragraphs (a) – (e) of this Rule.

(g) Appeals of the Division's decisions regarding state certification shall be in accordance with Article 3 of the Administrative Procedures Act, G.S. 150B.

History Note: Authority G.S. 143B-165;
Temporary Adoption Eff. October 11, 1991 For a Period of 141 Days to Expire on February 29, 1992;
Eff. March 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. Jule 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13M .0201 STATE CERTIFICATION FOR SCREENING OF MAMMOGRAPHY SERVICES

(a) All facilities performing screening mammograms shall be certified by the Division of Health Service Regulation, Department of Health and Human Services in accordance with the Rule.

(b) To be state certified, all equipment used in the performance of screening mammography shall be dedicated to such use by manufacturer's design. Each piece of mammography X-ray equipment, whether located in a fixed or mobile facility, shall be maintained in a safe operating condition and shall be registered and used in accordance with the Rules in 15A NCAC 11.

(c) To be state certified, all facilities shall be certified by the Centers for Medicare and Medicaid Services or shall be accredited by the American College of Radiology for the performance of mammography screening.

(d) An application for state certification shall be submitted to the Division of Health Service Regulation listing the name and location of the facility requesting certification, the name of the owner, and evidence that the facility meets the requirements listed in Paragraphs (b) and (c) of this Rule. Facilities shall be notified in writing within 45 days of the receipt of the application that they have been certified or, if certification has been denied, of the reasons for denial.

(e) State certification must be renewed by a facility certification or accreditation renewal is required by the program that established state certification eligibility pursuant to Paragraph (c) of this Rule.

(f) If a facility's certification or accreditation for one of these programs is suspended or revoked, the facility operator shall immediately notify the Division of Health Service Regulation and the facility's state certification under this Rule shall be revoked. The facility may apply for recertification when it can provide evidence that it meets the requirements listed in Paragraphs (a) – (e) of this Rule.

(g) The North Carolina Medical Care Commission delegates the authority to grant waivers of this Rule to the Division of Health Service Regulation. The Commission, however, shall review all waivers granted at its next regularly scheduled meeting and shall make any revisions to waivers deemed necessary at that time.

(h) In order to be granted a waiver of this Rule, a facility shall make a request for a waiver in writing to the Division of Health Service Regulation providing the following:

(1) justification that the rule should not be applied as written, because strict application would cause undue hardship;
(2) justification that adequate standards assuring early detection of breast cancer and affording protection of health and safety exist and will be met in lieu of the exact requirements;
(3) justification that the purpose of this Rule is met through equivalent standards affording equivalent protection of health and safety;
(4) information on the number of screening mammograms performed monthly for the previous six months;
(5) information proving that there is no state certified facility nearby by identifying the nearest state certified facility and providing information regarding the accessibility of mobile units in the area; and
(6) a plan for meeting standards necessary for certification, including the time required to meet standards.

(i) The Division of Health Service Regulation may grant a waiver to the extent that the factors listed in Paragraph (h) of this Rule are satisfied.

(j) Appeals of the Division's decisions regarding state certification shall be in accordance with Article 3 of the Administrative Procedures Act, G.S. 150B.

History Note: Authority G.S. 143B-165;
Temporary Adoption Eff. October 11, 1991 For a Period of 141 Days to Expire on February 29, 1992;
Eff. March 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. Jule 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13O .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 or maybe accessed electronically free of charge

at http://www.ecfr.gov/current/title-42/part-488/subpart-E.

(2) "Diversion 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. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402 or may be accessed electronically free of charge at http://www.ecfr.gov/current/title-42/part-422/subpart-E.

(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. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402 or may be accessed electronically free of charge at http://www.ecfr.gov/current/title-42/part-488/subpart-E.

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

History Note: Authority G.S. 131E-256; 42 U.S.C. 1395; 42 U.S.C. 1396;
Temporary Adoption Eff. December 20, 1996;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13O .0102 INVESTIGATING AND REPORTING HEALTH CARE PERSONNEL

Health Care facilities shall report to the Department all allegations against health care personnel as defined in G.S. 131E-256 (a)(1), including injuries of unknown source, within 24 hours of the health care facility becoming aware of the allegation. The results of the health care facility's investigation shall be submitted to the Department in accordance with G.S. 131E-256(g).

History Note: Authority G.S. 131E-256;
Temporary Adoption Eff. December 20, 1996;
Eff. August 1, 1998;
Amended Eff. April 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13O .0201 MEDICATION AIDE COMPETENCY EVALUATION

(a) A competency evaluation candidate shall be advised by the Department after successful completion of a North Carolina Board of Nursing approved medication aide training program and prior to the competency exam that upon successful completion of the competency exam the individual will be listed on the State's medication aide registry.

(b) The competency exam shall include each course requirement specified in the North Carolina Board of Nursing's approved training program as provided for in 21 NCAC 36 .0403 and 21 NCAC 36 .0406.

(c) The competency examination shall be administered and evaluated only by the Department or its agents.

(d) A record of successful completion of the competency exam shall be included in the medication aide registry within 30 business days of successful completion of the evaluation.

(e) If the competency exam candidate does not satisfactorily complete the exam, the candidate shall be advised by the Department of the areas which the individual did not pass.

(f) Every competency exam candidate shall have the opportunity to take the exam three times before being required to retake and successfully complete the Medication Aide training program.

History Note: Authority G.S. 131E-114.2(b); 131E-270;
Eff. October 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

10A NCAC 13O .0202 REGISTRY OF MEDICATION AIDES

(a) Prior to assigning medication aide duties to a Medication Aide, pursuant to G.S. 131E-114.2, the facility shall conduct a clinical skills validation for those medication administration tasks to be performed in the facility. This validation shall be conducted by a registered nurse consistent with his/her occupational

licensing law and who has a current unencumbered license to practice in North Carolina. A record of this validation shall be retained in the Medication Aide's file.
(b) The Department shall provide information on the registry within one business day of the request for information.
(c) The medication aide listing on the Medication Aide Registry shall be renewed every two years provided the individual has worked for a minimum of eight hours as a Medication Aide in each consecutive 24 month period following their initial listing.
(d) The registry shall contain the following information for each individual who is listed on the Medication Aide Registry:
(1) the individual's full name;
(2) the date the individual became eligible for placement on the registry;
(3) the training program and competency exam completed; and
(4) the date of listing renewal and expiration.
(e) The Medication Aide Registry shall remove entries for individuals who have not been employed as a medication aide for a minimum of eight hours in each consecutive 24 month period following initial listing.
(f) An individual who gains or attempts to gain registry listing by providing false or misleading information on listing or re-listing applications shall not be listed on the registry.

History Note: Authority G.S. 131E-114.2(b); 131E-270;
Eff. October 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1. 2026.

10A NCAC 13O .0301 NURSE AIDE I TRAINING AND COMPETENCY EVALUATION
(a) To be eligible to be listed on the NC Nurse Aide I Registry by the Health Care Personnel Education and Credentialing Section, a person shall:
(1) pass a Nurse Aide I training program approved by the Department in accordance with 42 CFR 483.151 through 42 CFR 483.152 and the State of North Carolina's Nurse Aide I competency exam; or
(2) apply to the Department for approval to be listed on the NC Nurse Aide I Registry by reciprocity of a nurse aide certification or registration from another State to North Carolina.
(b) In applying for reciprocity of a nurse aide certification or registration to be listed on the NC Nurse Aide I Registry pursuant to Subparagraph (a)(2) of this Rule, the applicant shall:
(1) submit a completed application to the Department that includes the following:
(A) first, middle, and last name;
(B) the applicant's prior name(s), if any;
(C) mother's maiden name;
(D) gender;
(E) social security number;
(F) date of birth;
(G) mailing address;
(H) email address;
(I) home telephone number;
(J) any other State registries of nurse aides upon which the applicant is listed;
(K) certification or registration numbers for any State nurse aide registries identified in Part (b)(1)(J) of this Rule;
(L) original issue dates for any certifications or registrations identified in Part (b)(1)(K) of this Rule;
(M) expiration dates for any certifications or registrations identified in Part (b)(1)(K) of this Rule; and
(N) employment history;
(2) provide documentation verifying that his or her registry listing is active and in good standing in the State(s) of reciprocity, dated no older than 30 calendar days prior to the date the application is received by the Department; and
(3) provide a copy of his or her Social Security card and an unexpired government-issued identification containing a photograph and signature.
(c) For the applicant to be approved for reciprocity of a nurse aide certification or registration and be listed on the NC Nurse Aide I Registry, the Department shall verify the following:
(1) the applicant has completed an application in accordance with Subparagraph (b)(1) of this Rule;
(2) the applicant is listed on another State's registry of nurse aides as active and in good standing;
(3) the applicant has no pending or substantiated findings of abuse, neglect, exploitation, or misappropriation of resident or patient property recorded on other State registries of nurse aides;
(4) if the applicant has been employed as a nurse aide for monetary compensation consisting of at least a total of eight hours of time worked performing nursing or nursing-related tasks delegated and supervised by a Registered Nurse, then the applicant shall provide the employer name, employer address, and dates of employment for the previous 24 consecutive months;
(5) the name listed on the Social Security card and government-issued identification containing a photograph and signature submitted with the application matches the name listed on another State's registry of nurse aides or that the applicant has submitted additional documentation verifying any name changes; and
(6) the applicant completed a State-approved nurse aide training and competency evaluation program that meets the requirements of 42 CFR 483.152 or a State-approved competency evaluation program that meets the requirements of 42 CFR 483.154.

(d) The Department shall within 10 business days of receipt of an application for reciprocity of a nurse aide certification or registration or receipt of additional information from applicant:

(1) inform the applicant by letter whether he or she has been approved;

(2) request additional information from the applicant.

The applicant shall be added to the NC Nurse Aide I Registry within three business days of the Department approval.

(e) This Rule incorporates 42 CFR Part 483 Subpart D by reference, including all subsequent amendments and editions. Copies of the Code of Federal Regulations may be accessed electronically free of charge from http://www.ecfr.gov/current/title-42/subpart-D.

(f) The State of North Carolina's Nurse Aide I competency exam shall include each course requirement specified in the Department-approved Nurse Aide I training program as provided for in 42 CFR 483.152.

(g) The State of North Carolina's Nurse Aide I competency exam shall be administered and evaluated only by the Department or its contracted testing agent as provided for in 42 CFR 483.154.

(h) The Department shall include a record of completion of the State of North Carolina's Nurse Aide I competency exam in the NC Nurse Aide I Registry within 30 days of passing the written or oral exam and the skills demonstration as provided in 42 CFR 483.154.

(i) If the State of North Carolina's Nurse Aide I competency exam candidate does not pass the written or oral exam and the skills demonstration as provided for in 42 CFR 483.154, the candidate shall be advised by the Department of the areas that the individual did not pass.

(j) Every North Carolina's Nurse Aide I competency exam candidate shall have the opportunity to take the exam at the maximum three times before being required to retake and pass a Nurse Aide I training program.

(k) U.S. military personnel who have completed medical corpsman training and retired or non-practicing nurses shall not be required to take the Department-approved Nurse Aide I training program to be listed or relisted on the Nurse Aide I registry, unless the person fails to pass the State of North Carolina's Nurse Aide I competency exam after three attempts.

History Note: Authority G.S. 131E-255; 42 CFR 483.150; 42 CFR 483.151; 42 CFR 483.152; 42 CFR 483.154; 42 CFR 483.156; 42 CFR 483.158;
Eff. January 1, 2016;
Emergency Amendment Eff. April 20, 2020;
Temporary Amendment Eff. June 26, 2020;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;
Readopted Eff. October 1, 2026.

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10A NCAC 14A .0101 PETITIONS

(a) Any person wishing to submit a written petition requesting the adoption, amendment, or repeal of a rule by the Director of the Division of Health Service Regulation shall submit the petition addressed to the Director, Division of Health Service Regulation, 1915 Health Services Way, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

(b) The petition shall contain the following information:

(1) the text of the proposed rule(s) for adoption or amendment and the statutory authority for the agency to promulgate the rule(s);

(2) a statement of the effect on existing rules or orders;

(3) a statement of the effect of the proposed rule(s) on existing practices in the area involved, if known; and

(4) the name(s) and the address(es) of the 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(s), amendment or the repeal of an existing rule(s);

(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 most likely to be affected by the proposed rule(s).

(d) The Director, based on a review of the facts stated in the petition, shall consider the following in his or her determination to grant the petition:

(1) whether he or she has authority to adopt the rule(s);

(2) the effect of the proposed rule(s) on existing rules, programs and practices;

(3) probable costs and cost factors of the proposed rule(s);

(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 the Director of Division of Health Service Regulation.

History Note: Authority G.S. 150B-20;
Eff. June 10, 1977;
Readopted Eff. December 1, 1997;
Amended Eff. November 1, 1989;
Readopted Eff. July 1, 2019;
Amended Eff. November 1, 2025;
Readopted Eff. October 1, 2026.

10A NCAC 14A .0103 DECLARATORY RULINGS

(a) The Director of the Division of Health Service Regulation may issue declaratory rulings. All requests for declaratory rulings shall be written and submitted to: the Director, Division of Health Service Regulation, 1915 Health Services Way, 2701 Mail Service Center, Raleigh, North Carolina 27699-2701.

(b) All requests for a declaratory ruling shall include the following information:

(1) the name and address of the petitioner;

(2) a statement of all relevant facts if the person aggrieved requests a declaratory ruling as to the applicability to a statue, rule, or order of the Division;
(3) the statute or rule to which the petition relates;
(4) a statement regarding the petitioner's opinion as to any conflict or inconsistencies, if any, within the Division regarding an interpretation of the law or a rule adopted by the Division to which the petition relates;
(5) a statement of the manner in which the petitioner is aggrieved by the rule or statute, or its potential application to him or her;
(6) the consequences of a failure to issue a declaratory ruling; and
(7) the petitioner's opinion as to the potential impact of the declaratory ruling on the public.

(c) Whenever the Director finds good cause exists to deny the request for declaratory ruling, he or she may deny the request to issue a declaratory ruling. In such a case, the Director shall notify the petitioner in writing of the decision to deny the request for declaratory ruling request may include one of the following:

(d) Good cause for the denial of a declaratory ruling request may include one of the following:

(1) the person submitting the request is not a person aggrieved;
(2) there is no conflict or inconsistency within the Division regarding an interpretation of the law or a rule adopted by the Division;
(3) a situation where there has been similar controlling factual determination in a contested case;
(4) if the request for declaratory ruling involves a factual context that was considered upon adoption of the rule being questioned as evidenced by the rulemaking record;
(5) the factual representations are not specific to the statute or rule being questioned;
(6) issuing the declaratory ruling will not serve the public interest; or
(7) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would be appropriate.

(e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as the Director may select in a particular case if additional information may assist in determining whether to grant or deny the petition.

(f) The Director 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 if the Director finds such comments or presentations may provide additional information that will assist in determining whether to grant or deny the petition.

History Note: Authority G.S. 150B-4;
Eff. November 1, 1989;
Amended Eff. November 1, 2010;
Readopted Eff. July 1, 2019;
Amended Eff. April 1, 2026; November 1, 2025;
Readopted Eff. October 1, 2026.

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, including subsequent amendments and editions. The Code of Federal Regulations may be accessed free of charge at http://ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B/section-483.5.
(2) "Hearing Officer" means the person at the Hearing Unit designated to preside over hearings between residents and nursing facility providers regarding transfers and discharges.
(3) "Hearing Unit" means the Chief Hearing Officer and his or her staff in the Division of Health Benefits of the Department of Health and Human Services.
(4) "Notice" means a written notification of transfer or discharge, as required by 42 CFR 483.15 (c), by the facility to the resident and the resident's representative as defined in 42 CFR 483.5.
(5) "Request for a Hearing" means a written expression by the resident, family member, or legal representative, that he or she wants the opportunity to present his or her case to the Hearing Officer.
(6) "Resident" means any person who is receiving treatment or long-term care in a facility.
(7) "Serve" means personal delivery, delivery by first class or certified United States Postal Service mail, or delivery by licensed overnight express mail, postage prepaid and addressed to the party at his or her last known address.

History Note: 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);
Eff. August 3, 1992;
Readopted Eff. October 1, 2026; January 1, 2019.

10A NCAC 14A .0302 TRANSFER OR DISCHARGE HEARING REQUEST

Any resident who has been advised of the date of a transfer or discharge in writing may request that the Hearing Officer set a date for a hearing in accordance with these Rules. Hearing procedures shall be in accordance with rules in 10A NCAC 22H .0200, which are herein incorporated by reference, including subsequent amendments and editions. These Rules may be accessed free of charge at http://reports.oah.state.nc.us/ncac.asp.

History Note: Authority G.S. 143B-165(10); 42 U.S.C. 1395i-3(c)(2)(B)(iii); 42 U.S.C. 139r(e)(3); 42 U.S.C. 139r(f)(3); 42 CFR 483.15(c);
Eff. August 3, 1992;
Readopted Eff. October 1, 2026; January 1, 2019.

10A NCAC 14A .0303 FILING A REQUEST FOR HEARING

In order to initiate a hearing, a resident must first have been served by the facility administrator with a written notice and shall file a Request for Hearing in accordance with rules in 10A NCAC 22H .0200.

History Note: Authority G.S. 143B-165(10); 42 U.S.C. 1395i-3(c)(2)(B)(iii); 42 U.S.C. 139r(e)(3); 42 U.S.C. 139r(f)(3); 42 CFR 483.15(c);
Eff. August 3, 1992;
Readopted Eff. October 1, 2026; January 1, 2019.

10A NCAC 14E .0101 DEFINITIONS

The following definitions will apply throughout this Subchapter:

(1) "Abortion" means the termination of a pregnancy as defined in G.S. 90-21.81(1c).
(2) "Clinic" means a freestanding facility neither physically attached nor operated by a licensed hospital for the performance of abortions completed during the first 12 weeks of pregnancy.
(3) "Division" means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
(4) "Gestational age" means the length of pregnancy as indicated by the date of the first day of the last normal monthly menstrual period, if known, or as determined by ultrasound.
(5) "Governing authority" means the individual, agency, group, or corporation appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the abortion clinic is vested pursuant to Rule .0318 of this Subchapter.
(6) "Health Screening" means an evaluation of an employee or contractual employee, including tuberculosis testing, to identify an underlying condition that may affect the person's ability to work in the clinic.
(7) "New clinic" means one that is not certified as an abortion clinic by the Division as of July 1, 2023, and has not been certified or licensed within the previous six months of the application for licensure.
(8) "Registered Nurse" means a person who holds a valid license issued by the North Carolina Board of Nursing to practice professional nursing in accordance with the Nursing Practice Act, G.S. 90, Article 9A.

History Note: Authority G.S. 131E-153.2;
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. October 1, 2015; July 1, 1994; December 1, 1989; June 30, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 14E .0106 APPLICATION

(a) Prior to the admission of patients, an applicant for a new clinic shall submit an application for licensure and receive approval from the Division.
(b) Application forms may be obtained by contacting the Division at 2712 Mail Service Center, Raleigh, NC 27699-2712.
(c) The application form shall set forth:

(1) Legal identity of the applicant;
(2) The name or names under which the facility or services are advertised or presented to the public;
(3) The facility's mailing address;
(4) The facility's physical address;
(5) The ownership of the facility, including a description of the legal character of the operating ownership;
(6) The owner of the premises from which services are offered including the name and address of the owner of the premises if different from the owner of the facility;
(7) If the facility is operated under a management contract, the name and address of the building's management company;
(8) A description of the arrangements that have been made for the disposal of pathological waste, products of conception, and sharps, and the name and address of the provider of such services if not performed by the facility;
(9) The name, specialty, board certifications, and medical license number of the Medical Director;
(10) The name, specialty, board certifications, and medical license number of each member of the medical staff;
(11) The name, nursing certificate number, and renewal number of the Director of Nursing;
(12) The name, nursing certificate number, and renewal number of each nursing staff member; and
(13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the address of the laboratory.

(d) After construction requirements in 10A NCAC 13S .0200 have been met and the application for licensure has been received and approved, the Division shall conduct an on-site, licensure survey.

History Note: Authority G.S. 131E-153.2;
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 14E .0107 ISSUANCE OF LICENSE

(a) The Division shall issue a license if it finds the facility can comply with all requirements described in this Subchapter and 10A NCAC 13S.

(b) Each license shall be issued only for the premises and persons or organizations named in the application and shall not be transferable.

(c) The governing authority shall notify the Division in writing, within 10 working days, of any change in the name of the facility or change in the name of the administrator.

(d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as fires, explosions, or other action that prevent a facility from providing abortion services.

History Note: Authority G.S. 131E-153.2;
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 14E .0109 RENEWAL

(a) Each license shall be renewed at the beginning of each calendar year on the renewal application forms provided by the Department.

(b) The renewal application form shall set forth:

(1) Legal identity of the applicant;
(2) The name or names under which the facility or services are advertised or presented to the public;
(3) The facility's mailing address;
(4) The facility's physical address;
(5) The ownership of the facility, including a description of the legal character of the operating ownership;
(6) The owner of the premises from which services are offered including the name and address of the owner of the premises if different from the owner of the facility;
(7) If the facility is operated under a management contract, the name and address of the building's management company;
(8) A description of the arrangements that have been made for the disposal of pathological waste, products of conception, and sharps, and the name and address of the provider of such services if not performed by the facility;
(9) The name, specialty, board certifications, and medical license number of the Medical Director;
(10) The name, specialty, board certifications, and medical license number of each member of the medical staff;
(11) The name, nursing certificate number, and renewal number of the Director of Nursing;
(12) The name, nursing certificate number, and renewal number of each nursing staff member;
(13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the address of the laboratory;
(14) The number of abortion procedures performed since initial licensure or the most recent licensure renewal, whichever is later; and
(15) The number of patients that were transferred to a hospital since initial licensure of the most recent licensure renewal, whichever is later.

(c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S. 131E-153.2.

(d) An application for renewal of licensure must be filed with the Division at least 30 days prior to the date of expiration. Renewal application forms shall be furnished by the Division.

(e) Failure to file a renewal application shall result in expiration of the license to operate.

History Note: Authority G.S. 131E-153.2;
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, 2024;
Readopted Eff. October 1, 2026.

10A NCAC 14E .0111 INSPECTIONS

(a) Any clinic licensed by the Division to perform abortions shall be inspected by representations of the Division annually and as it may deem necessary as a condition of holding such license. An inspection may be conducted whenever the Division receives a complaint alleging the clinic is not in compliance with the rules of the Subchapter.

(b) Representatives of the Division shall make their identities known to the clinic staff prior to inspection of the clinic.

(c) Representatives of the Division may review any records in any medium necessary to determine compliance with the rules of the Subchapter. The Department shall maintain the confidentiality of the complainant and the patient, unless otherwise required by law.
(d) The clinic shall allow the Division to have immediate access to it premises and the records necessary to conduct an inspection and determine compliance with the rules of this Subchapter.
(e) A clinic shall file a written plan of correction for cited deficiencies within 10 business days of receipt of the report of the survey. The Division shall review and respond to a written plan of correction within 10 business days of receipt of the corrective action plan.

History Note: Authority G.S. 131E-153.2;
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. October 1, 2015; July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, 2024;
Readopted Eff. October 1, 2026.

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10A NCAC 15 .0103 DEFINITIONS

(a) As used in the rules of this Chapter and as applied to persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter, the following definitions apply:

(1) "Act" means the North Carolina Radiation Protection Act as defined in G.S. 104E-1.
(2) "Agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section.
(3) "Annually" means either:
  (A) at intervals not to exceed 12 consecutive months; or
  (B) once per year at the same time each year (completed during the same month each year over a period of multiple years).
(4) "Authorized representative of the agency" means an employee of the agency.
(5) "Calendar month" means January, February, March, April, May, June, July, August, September, October, November, or December.
(6) "Calendar year" means the period of time between 12:00:00 a.m. January 1 to 11:59:59 p.m. December 31.
(7) "Calibration" means the determination of the reading or response of an instrument to known radiation values over the range of the instrument, or the strength of a source of radiation relative to a standard.
(8) "CFR" means Code of Federal Regulations.
(9) "Commission" has the meaning as defined in G.S. 104E-5(5), except where otherwise defined in the rules of this Chapter.
(10) "Department" has the meaning as defined in G.S. 104E-5(6) except where otherwise defined in the rules of this Chapter.
(11) "Exposure rate" means the exposure per unit of time, such as R/min and mR/h.
(12) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.
(13) "Inspection" means an examination or observation by an authorized representative of the agency to determine compliance with rules, orders, requirements, and conditions of the agency or the Commission.
(14) "Monthly" means once every calendar month.
(15) "Natural radioactivity" means radioactivity of naturally occurring nuclides.
(16) "Person" has the same meaning as defined in G.S. 104E-5(11).
(17) "Quarterly" means four times per calendar year, and:
  (A) at intervals not to exceed 13 weeks; or
  (B) once per month during the months of January, April, July, and October; or
  (C) once per month during the months of February, May, August, and November; or
  (D) once per month during the months of March, June, September, and December.
(18) "Radiation" except as otherwise defined in Section .1400 of this Chapter, has the meaning as defined in G.S. 104E-5(12).
(19) "Semiannually" means twice per calendar year at six-month intervals.
(20) "SI unit" means a unit of measure from the International System of Units as established by the General Conference of Weights and Measures.
(21) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.
(22) "State" means the State of North Carolina.
(23) "These Rules" means Chapter 15 of this Title.

(b) As used in the rules of this Chapter and as applied to persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following definitions shall apply:

(1) "Clinical study" means human use of a radiation machine for research and development. The terms "clinical investigation", "clinical research", "research", and "study" also mean "clinical study".

(2) "Consulting" means providing professional technical advice on radiological matters by an expert registered with the agency in accordance with Rule .0205 of this Chapter.

(3) "Facility" means the location at which one or more radiation machines or sources of radiation are installed or located within one building or one vehicle at one address and under the same administrative control.

(4) "Healing arts" means the art or science of diagnostic examination using a source of radiation in the diagnosis or treatment of human or animal diseases.

(5) "Individual responsible for radiation protection" means a person who has the knowledge and responsibility to apply appropriate radiation protection rules, for persons registered with the agency in accordance with Section .0200 of this Chapter, commensurate with the scope of the activities authorized by the registrant.

(6) "Install or installation" means the assembly, placement, initial calibration, operational testing, or other actions that allow a radiation machine to be used in a new location or after being moved from one location to another.

(7) "Licensed practitioner" means a person authorized to order diagnostic exams that use radiation machines for diagnosis or treatment of human or animal diseases. The person shall be:
   (A) a physician in accordance with Subparagraph (8) of this Paragraph; or
   (B) licensed by the appropriate licensing board in North Carolina pursuant to G.S. Chapter 90 to provide professional services in chiropractic, dentistry, podiatry, or veterinary medicine.

(8) "Physician" means a person licensed to practice medicine in North Carolina pursuant to G.S. Chapter 90, Article 1.

(9) "Radiation machine" has the same meaning as defined in G.S. 104E-5(13).

(10) "Registered" means a facility or service provider that has completed the registration process in accordance with Rules .0203 and .0205 of this Chapter and has been issued a Notice of Registration in accordance with Rule .0209 of this Chapter.

(11) "Registrant" means any person who is registered with the agency, after completing the registration process, in accordance with Rule .0203 of this Chapter.

(12) "Registration" means the process of registration, with the agency, by completing and submitting agency forms in accordance with Rules .0203 and .0205 of this Chapter.

(13) "Research and development" means:
   (A) theoretical analysis, exploration, or experimentation; or
   (B) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(14) "Service" means calibration, conversion, repair, routine maintenance, or other testing performed on a radiation machine, x-ray system or subsystem, or source of radiation, other than those actions taken during installation.

(15) "Service Provider" means any person engaged in equipment services included in Rule .0205(e) of this Chapter.

(c) Definitions of certain other words and phrases as used in these Rules are set forth in Sections .0300, .0500, .0600, .0800, .1000, .1200, .1300, .1400, .1600, .1700, .1900, and .2000 of this Chapter.

History Note: Authority G.S. 104E-7(a);
Eff. February 1, 1980;
Transferred and Recodified from 10 NCAC 3G .2203 Eff. January 4, 1990;
Transferred and Recodified from 15A NCAC 11 .0103 Eff. February 1, 2015;
Readopted Eff. May 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0104 INCORPORATION BY REFERENCE

The "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," signed July 21, 1964, hereinafter known as the "Agreement," is incorporated by reference including subsequent amendments and editions. A copy of the Agreement is available free of charge at https://www.nrc.gov/cdn/nmss/pdf/ncagreements.pdf.

History Note: Authority G.S. 104E-7(a)(2);
Eff. February 1, 1980;
Amended Eff. November 1, 1989; June 1, 1989; October 1, 1984;
Transferred and Recodified from 10 NCAC 03G .2204 Eff. January 4, 1990;
Amended Eff. January 1, 1994; May 1, 1992;
Temporary Amendment Eff. August 20, 1994, for a Period of 180 Days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. October 1, 2013; November 1, 2007; May 1, 2006; January 1, 2005; August 1, 2002; April 1, 1999; August 1, 1998; May 1, 1995;
Transferred and Recodified from 15A NCAC 11 .0104 Eff. February 1, 2015;
Readopted Eff. May 1, 2025;

Amended Eff. October 1, 2026.

Codifier's Note: 10 NCAC 03G .2300 was transferred to 15A NCAC 11 .0200 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

10A NCAC 15 .0201 PURPOSE AND SCOPE

(a) This Section provides for the registration of X-ray machines, radiation generating devices, facilities, and persons providing other radiologic services.

(b) A person who acquires, owns, possesses, or receives an X-Ray machine or a radiation generating device, or provides other radiologic services before receiving a notice of registration in accordance with Rule .0209 of this Section is subject to the requirements of this Chapter.

(c) In addition to the requirements of this Section, all registrants are subject to the provisions in Sections .0100, .1000, .1100, and .1600 of this Chapter.

(d) Service providers that use an X-Ray machine or a radiation generating device for demonstration purposes, or that provide mobile leasing services, are subject to the additional requirements of Rule .0205 of this Section. Service providers that provide those services by bringing an X-ray machine or radiation generating devices from out of state are subject to the additional requirements of Rule .0208 of this Section.

(e) Emerging technologies for X-ray machines and radiation generating devices that do not meet the equipment requirements of this Chapter are subject to the additional requirements in Rule .0212 of this Section.

(f) Industrial radiographic X-ray machines are subject to the additional requirements of Section .0500 of this Chapter.

(g) X-ray machines for diagnostic imaging and veterinary use are subject to the additional requirements in Section .0600 of this Chapter.

(h) X-ray machines for non-diagnostic imaging at educational facilities, for clinical studies, or for demonstration purposes conducted by service providers, are subject to the additional requirements of Section .0600 of this Chapter.

(i) Radiation generating devices and X-ray machines for non-human use and non-veterinary use are subject to the additional requirements of Section .0800 of this Chapter.

History Note: Authority G.S. 104E-7; 104E-9(8); 104E-19(a);
Eff. February 1, 1980;
Amended Eff. May 1, 1993; July 1, 1982;
Transferred and Recodified from 15A NCAC 11 .0201 Eff. February 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019;
Amended Eff. October 1, 2026; October 1, 2025.

10A NCAC 15 .0202 EXEMPTIONS

(a) Electronic equipment that produces radiation incidental to its operation is exempt from the registration and notification requirements of this Section, provided that the dose equivalent rate averaged over an area of 10 square centimeters does not exceed 0.5 mrem per hour at 5 centimeters from any accessible surface of the equipment when any external shielding is removed. The production, testing, or factory servicing of such equipment is not exempt.

(b) The agency may, upon application, grant individual exemptions or exceptions from the requirements of these Rules if it will not result in radiation dose or contamination that exceeds the limits prescribed in these Rules for the protection of public health, safety, or property.

(c) The following are exempt from the requirements of this Section:

(1) all radioactive materials; and

(2) X-ray machines or radiation generating devices while in transit.

History Note: Authority G.S. 104E-7;
Eff. February 1, 1980;
Transferred and Recodified from 15A NCAC 11 .0202 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0203 APPLICATION FOR REGISTRATION PROCESS: GENERAL REQUIREMENTS FOR ALL FACILITIES, RADIATION MACHINES, AND SERVICES PROVIDED

(a) A person with an unregistered facility, X-ray machine, or radiation generating device, or an unregistered service provider shall apply for registration with the agency. After submitting the required application forms prescribed by the agency in this Rule, registration of the first X-ray machine, radiation generating device, or registration of services provided, constitutes registration of the facility or service provider.

(b) All application forms in this Rule shall be completed by meeting the following requirements:

(1) The owner or the individual responsible for the business operations of a facility with an X-ray machine, radiation generating device, or who provides radiological services, shall ensure that application forms, required by the agency in this Rule, meet the following requirements:

(A) are accurate, complete, and contain all the information required by the application forms and accompanying instructions; and

(B) are submitted to the agency at the e-mail address on the application for registration forms or mailed to the address in Rule .0111 of this Chapter.

(2) Incomplete application forms or application forms submitted without the requested documentation to provide radiological services will not be processed.

(3) The agency may require additional information at any time after submission of the application to determine if the notice of registration should be issued or denied.

(4) Application forms can be found at https://radiation.ncdhhs.gov/Xray/applic.htm and https://radiation.ncdhhs.gov/Xray/service.htm.

(5) The owner or individual responsible for business operations can designate a responsible person or persons within the organization to sign when amendments are made to forms by notifying the agency in writing.

(c) A Business Application form shall be submitted prior to the operation of a facility or providing services in this State, and the following additional requirements shall be met:

(1) The application shall be submitted by any person:
  (A) with one or more X-ray machines or radiation generating devices at a facility; or
  (B) that plans to engage in radiological services listed in Paragraphs (f) and (g) of this Rule.

(2) The application form requires the following:
  (A) indication if the application is for a new facility, a change of ownership, relocation of a facility, or to update information by marking the corresponding checkbox;
  (B) the legal business name, facility physical address, phone number, and type of business;
  (C) the name, title, mailing address, phone, and e-mail address of the business manager;
  (D) the name of the individual on-site who is responsible for radiation protection. The training and experience qualifying him or her to perform the job duties and responsibilities in Rule .0211 of this Section, shall be made available during inspection or upon request by the agency;
  (E) the name, title, mailing address, phone, and e-mail address for the invoice contact; and
  (F) dated and signed by the owner or the individual responsible for business operations.

(d) An X-ray Machine Application or Radiation Generating Devices Application form shall be submitted in accordance with Rule .0204(c)(1) through (5) of this Section, for the type of X-ray machine or radiation generating device owned by the registrant or potential registrant or the service provided. The following additional requirements shall be met:

(1) The application shall be submitted by any person:
  (A) with one or more unregistered X-Ray machines or radiation generating devices at a facility; or
  (B) that is engaged in leasing or performing demonstrations using an unregistered X-Ray machine or radiation generating device.

(2) The application requires the following information:
  (A) registration number;
  (B) machine or device location;
  (C) manufacturer, model, serial number, number of tubes, install date, modality, type, and use;
  (D) location of the machine or device when not in use;
  (E) installer information; and
  (F) dated and signed by the owner or individual responsible for business operations.

(e) A Disposal of an X-ray Machine or Radiation Generating Device Form shall be submitted when a facility disposes of an X-ray machine or radiation generating device. The agency form requires the following information:

(1) registration number, facility name, and physical address;
(2) identify if the application is for a new facility, for a change of ownership, a facility relocation, or to update information;
(3) X-ray machine or radiation generating device location, manufacturer, model and serial number;
(4) identify the method of disposal of the X-ray machine or radiation generating device;
(5) recipient of the X-ray machine or radiation generating device, physical and e-mail address, and phone number; and
(6) dated and signed by the owner or the individual responsible for business operations of the X-ray machine or radiation generating device.

(f) A Company Service Application form shall be submitted prior to furnishing or offering to furnish services in Parts (A) through (C) of Subparagraph (f)(1) of this Rule and the following additional requirements shall be met:

(1) The application shall be submitted by any person engaged in:
  (A) direct sales, demonstration, leasing, or transfer of X-ray machines or radiation generating devices;
  (B) providing individual monitoring devices; or
  (C) radiation survey equipment calibrations, except when calibrations are performed by the manufacturer of the equipment.

(2) The application requires the following information:
  (A) registration number;
  (B) business name, facility physical address;
  (C) identify if the application is for a new service provider, for a change of ownership, relocation of the facility, or to update information;
  (D) identify each class and modality of services requested to be provided in the State;

(E) submit the requirements listed on the agency form for each class and modality requesting to provide services in the State;

(F) list any class or modality not listed on this form;

(G) description of service provider equipment used for output measurements and surveys; and

(H) dated and signed by the owner or the individual responsible for business operations.

(g) A Company Employee Services Application form shall be submitted prior to furnishing or offering to furnish services in Parts (A) through (G) of Subparagraph (g)(1) of this Rule and the following additional requirements shall be met:

(1) The application shall be submitted by any person engaged in providing the following services:

(A) area radiation surveys for X-ray machines;

(B) equipment surveys and shielding designs for radiation generating devices;

(C) general health physics consulting services to perform dose estimates, radiation output measurements, radiation safety program development, and radiation safety program training;

(D) installation or service repair of X-ray machines or radiation generating devices;

(E) qualified expert consulting services for CT and mammography X-ray machines;

(F) shielding designs for X-ray machines; and

(G) therapeutic shielding verification and area radiation surveys.

(2) The application requires the following information:

(A) name of the employee to be registered;

(B) start date if the employee is being added, and the stop date if the employee is being removed from the registration;

(C) business registration number, name, physical address, and contact e-mail;

(D) class identification and modality of services to be provided;

(E) training and experience to submit for each class of services to be provided;

(F) date and signature of the employee applying for registration;

(G) date and signature of the owner or the individual responsible for business operations; and

(H) additional information the agency determines is necessary for evaluating the application for registration.

(h) Owners of radiation imaging systems and in-house personnel employed by a facility or corporation shall be exempt from the registration requirements in this Rule to provide services in this State, provided such personnel:

(1) meets the education requirements of the Class for the services provided, or is supervised by an individual who meets the training and experience requirements of the Class for the services provided;

(2) provides services at one facility or corporation; and

(3) provides documentation of the requirements in Subparagraph (h)(1) of this Rule for agency review during inspection.

(i) The following general requirements apply to all facilities and services provided in North Carolina.

(1) The registrant shall notify the agency when any change will render the information in an application for registration or notice of registration no longer accurate.

(2) A registrant that terminates all activities involving X-ray machines, radiation generating devices, or providing services shall meet the following requirements within 30 days:

(A) request termination of the notice of registration in writing by the owner or the individual responsible for business operations;

(B) submit to the agency, a Disposal of an X-ray Machine or Radiation Generating Device Form in accordance with Paragraph (e) of this Rule; and

(C) pay any outstanding fees pursuant to Section .1100 of this Chapter.

(3) A registrant shall not transfer the registration as part of a change of ownership.

(4) A person who takes possession of an X-ray machine or radiation generating device because of bankruptcy, foreclosure, or state auction may possess the machine or device when the following additional requirements are met:

(A) The machine or device shall be posted with a visible sign stating that the new owner is responsible for registering with the agency if used in this State; and

(B) If the machine or device is energized, it shall only be energized by someone registered in accordance with this Section and only to demonstrate that it is operable for sale or transfer.

(5) No person shall in any advertisement refer to the fact that his or her facility is registered with the agency pursuant to the provisions of Rule .0204 or .0205 of this Section, and no person

shall state or imply that under such registration any activities have been approved by the agency.

History Note: Authority G.S. 104E-7; 104E-12; 104E-20;
Eff. February 1, 1980;
Amended Eff. May 1, 1992;
Transferred and Recodified from 15A NCAC 11 .0203 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0204 FACILITY RESPONSIBILITIES

(a) All forms required by this Rule shall be completed in accordance with Rule .0203 of this Section and any accompanying instructions.

(b) Shielding design requirements:

(1) Prior to construction for all new installations of X-ray machines for human, non-human, or veterinary use and prior to structural modification of existing installations, an applicant shall have the floor plans, shielding specifications, and equipment arrangement reviewed by a registered service provider.

(2) The applicant shall submit a shielding design and the agency Shielding Design Review Form to the agency for review. Shielding design drawings shall be scaled. The Shielding Design Review Form shall include the following information:

(A) facility and service provider name, registration number, e-mail and physical address, and phone number;

(B) machine location, manufacturer, status, kVp, mA, mA min per week, facility type; and

(C) proposed date of installation or structural modification.

(3) An X-ray machine shall not be installed until the applicant has received acknowledgment of the shielding design from the agency.

(4) An X-ray machine shall not be replaced until the existing shielding design, acknowledged previously by the agency, is reviewed by a registered service provider in accordance with Rule .0205. The registrant shall have a service provider review the acknowledged shielding design for the proposed X-Ray machine replacement to assess if the existing shielding meets the requirements of this Chapter. The documentation provided to the registrant from the service provider shall be submitted to the agency and maintained for agency review during inspection.

(5) The acknowledgment of such plans shall not preclude the requirement for additional modifications should a subsequent analysis of operating conditions indicate the possibility of a radiation dose that exceeds the limits incorporated in Rule .1601 of this Chapter.

(6) Shielding designs are not required to be submitted for the following radiation machines:

(A) dental handheld;

(B) dual X-ray absorptiometry (DEXA);

(C) mammography; or

(D) mobile or portable radiographic and fluoroscopic machines used in more than two locations.

(c) Facility registration:

(1) Mobile X-ray machines located and used in this State, and permanently affixed within a vehicle or trailer, shall meet the following requirements prior to use:

(A) have a shielding design acknowledged by the agency in accordance with Paragraph (b) of this Rule;

(B) have an X-ray Machine Application form submitted in accordance with Rule .0203(d) of this Section. X-ray machines leased or on loan from a registered service provider shall be registered with the agency if maintained for more than 30 days;

(C) have a copy of the operating and safety procedures describing how to protect patients, operators, and the public from radiation submitted to the agency; and

(D) an individual responsible for business operations shall ensure that X-ray machines are operated in accordance with Section .0600 of this Chapter.

(2) Mobile X-ray machines located out-of-state and brought into this State for use, and permanently affixed within a vehicle or trailer, shall meet the following requirements:

(A) have the required documentation in Parts (c)(1)(A) through (c)(1)(C) of this Rule submitted as a complete document for agency review;

(B) have a written notice submitted, in accordance with Rule .0208 of this Section, and maintain it for agency review during inspection; and

(C) an individual responsible for business operations shall ensure that X-ray machines are operated in accordance with Section .0600 of this Chapter.

(3) Mobile radiation generating devices located out-of-state and brought into this State for use shall meet the following requirements prior to use:

(A) have a Radiation Generating Devices Application form submitted in accordance with Rule .0203(d) of this Section. Radiation generating devices leased or on loan from a registered

service provider shall be registered with the agency if maintained for use for more than 30 days;

(B) have a copy of the operating and safety procedures describing how to protect operators and the public from radiation submitted to the agency;

(C) submit a written notice, in accordance with Rule .0208 of this Section, and maintain it for agency review during inspection; and

(D) an individual responsible for business operations shall ensure operators are qualified in accordance with Rule .0800 of this Chapter to use the radiation generating device indicated on the application.

(4) X-ray machines for diagnostic imaging, non-diagnostic imaging, clinical studies, veterinary use, or for use by service providers for demonstration purposes shall meet the following additional requirements:

(A) have a shielding design acknowledged by the agency in accordance with Paragraph (b) of this Rule;

(B) submit an X-ray Machine Application form in accordance with Rule .0203(d) of this Section within 30 days of use; and

(C) an individual responsible for business operations shall ensure that X-ray machines are operated in accordance with Section .0600 of this Chapter.

(5) Radiation generating devices covered in Section .0800 of this Chapter shall meet the following additional requirements prior to use:

(A) submit a Radiation Generation Device Application form in accordance with Rule .0203(d) of this Section; and

(B) an individual responsible for business operations shall ensure operators are qualified in accordance with Rule .0800 of this Chapter to use the radiation generating device indicated on the application.

(6) Industrial radiography X-ray machines covered in Section .0500 of this Chapter shall meet the following additional requirements prior to use:

(A) submit a Radiation Generating Device Application form in accordance with Rule .0203(d) of this Section; and

(B) an individual responsible for business operations shall ensure operators are qualified in accordance with Section .0500 of this Chapter to use the machines indicated on the application.

(d) Facilities registered pursuant to Paragraph (c) of this Rule shall notify the agency, using the Disposal of an X-Ray Machine or Radiation Generating Device Form, prior to the disposition or the transfer of a registered X-ray machine or radiation generating device to another person required to be registered pursuant to Paragraph (c) of this Rule.

(e) Facilities registered pursuant to Paragraph (c) of this Rule shall prohibit any person from furnishing services described in Rule .0205(d) of this Section, at his or her facility, until such person provides evidence they are currently registered with the agency as a provider of such services in accordance with Rule .0205 of this Section.

(f) No facility registered pursuant to the provisions of Paragraph (c) of this Rule shall perform any services listed in Rule .0205(d) of this Section in his or her facility unless such person meets the requirements in Rules .0205 and .0206 of this Section and has received written authorization from the agency to perform such services.

History Note: Authority G.S. 104E-7; 104E-9(a)(3); 104E-12;
Eff. February 1, 1980;
Amended Eff. June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0204 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0205 SERVICE PROVIDER RESPONSIBILITIES

(a) Each person who is engaged in the business of furnishing or offering to furnish any services listed in Paragraph (e) of this Rule in this State shall apply for registration with the agency prior to furnishing or offering to furnish any of these services.

(b) Applications for registration shall be completed in accordance with Rule .0203 of this Section and contain all information required by the agency as indicated on the form and accompanying instructions.

(c) Each person applying for registration pursuant to Paragraph (a) of this Rule shall certify that he or she has read and understands the requirements of the rules in this Chapter by signing the Company Employee Services Application or Company Services Application form.

(d) Applicants for registration of services are subject to the requirements of Rules .0206 and .0207 of this Section.

(e) For purposes of this Section, services include:

(1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of X-ray machines or radiation generating devices;

(2) Class II - installation or service of the following:

(A) X-ray machines and machine components, including the making of diagnostic radiation output measurements, and performance verification; or

(B) radiation generating devices to include equipment surveys.

(3) Class III - shielding designs for X-ray machines except fluoroscopic X-ray machines;

(4) Class IV - shielding designs for fluoroscopic X-ray machines;
(5) Class V - area radiation surveys and shielding evaluations for radiographic and fluoroscopic X-ray machines;
(6) Class VI - radiation instrument calibrations;
(7) Class VII - therapeutic shielding verification services;
(8) Class VIII - providing individual monitoring devices;
(9) Class IX - general health and medical physics consulting to include the following services:
(A) equipment surveys and shielding designs for radiation generating devices;
(B) dose estimates;
(C) radiation output measurements;
(D) radiation safety program development; and
(E) radiation safety program training.

(f) Persons registered pursuant to Subparagraph (e)(1) of this Rule as a Class I service provider to provide mobile X-ray machines that are permanently affixed within a vehicle or trailer for demonstration purposes or to provide leasing services shall meet the following requirements prior to use:
(1) mobile X-ray machines located and used in this State shall meet the requirements of Rules .0204(c)(1)(A) through (D) of this Section; and
(2) mobile X-ray machines located out of state and brought into this State for use shall meet the requirements of Rules .0204(c)(2)(A) and (C) of this Section.

(g) Report of installation:
(1) Persons registered pursuant to Paragraph (a) of this Rule who sell, install, transfer, lease, or lend an X-ray machine or radiation generating device in this State shall, within 30 days after each calendar quarter, notify the agency at fda2579@dhhs.nc.gov or the address, in accordance with Rule .0111 of this Chapter, of the following:
(A) whether any X-ray machines or radiation generating devices were directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter;
(B) the name and address of persons who received radiation machines during the calendar quarter;
(C) the manufacturer, model, and serial number of each X-ray machine or radiation generating devices directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter; and
(D) the date of disposition, installation, lease, loan, sale, or transfer of each X-ray machine or radiation generating devices during the calendar quarter.
(2) The information specified in Parts (g)(1)(A) through (D) of this Rule may be omitted from the quarterly reports when either of the following requirements are met:
(A) for any diagnostic X-ray system that contains certified components, when a copy of the assembler's report prepared in compliance with 21 CFR 1020.30(d) is received by the agency; or
(B) for X-ray machines for nonhuman use and radiation generating devices, when a Report of Sale and Installation Form prepared in accordance with Paragraph (h) of this Rule is received by the agency.

(h) Upon the sale or installation of an X-ray machine for non-human use or a radiation generating device, the applicant shall submit a Report of Sale and Installation in accordance with Paragraph (g)(1) of this Rule. This form can be found at https://radiation.ncdhhs.gov/Xray/documents/rptofassembly.pdf and shall include the following information:
(1) facility registration number, street address, city, state, and telephone number;
(2) service provider registration number, company name, street address, city, state, and telephone number;
(3) identify if the X-ray machine or the radiation generating device was sold or installed by checking the corresponding checkbox;
(4) identify the system type by checking the corresponding checkbox;
(5) room location;
(6) date of sale or installation;
(7) manufacturer, serial number, and control model number;
(8) the seller's signature or the signature of the individual responsible for installation; and
(9) the date signed.

(i) No person registered pursuant to Paragraph (a) of this Rule for sales or installations shall make, sell, lease, transfer, lend, assemble, or install X-ray machines, X-ray machine components, or radiation generating devices unless such machines and devices, when placed in operation, meet the requirements of these Rules.

(j) No person registered pursuant to this Rule shall install X-ray machines that are subject to provisions of Section .0600 of this Chapter unless the registrant first confirms that the agency has issued a written acknowledgment of a shielding design in accordance with Rule .0204(b) of this Section.

(k) Records of tests performed at the time of installation that demonstrate the requirements of these Rules are met shall be provided to the registrant for agency review during inspection for the following:
(1) fluoroscopic X-ray machine output measurement; and
(2) radiation generating devices equipment surveys.

(l) Records of any routine maintenance, repair, alterations, or reassembly of X-ray machines or radiation generating devices shall:

(1) include the date that the service was performed and a signature of the person performing the service; and

(2) be provided to the registrant for agency review during inspection.

History Note: Authority G.S. 104E-7; 104E-12; 104E-20;
Eff. February 1, 1980;
Amended Eff. June 1, 1993; May 1, 1992; June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0205 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0206 TRAINING AND EDUCATIONAL REQUIREMENTS TO PROVIDE SERVICES

(a) A person registered to provide services pursuant to Rule .0205 of this Section shall be qualified by reason of education, training, and experience to provide the services for which registration is requested. The following qualifications shall be met for each service class:

(1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of X-ray machines or radiation generating devices. The applicant shall certify that all persons providing services are knowledgeable, familiar, and comply with the rules which govern the possession, installation, and use of X-ray machines or radiation generating devices in North Carolina.

(2) Class II - installation, service, or performance verification associated with the installation or service:
   (A) completion of manufacturer's equipment school for service, maintenance, and installation for the type of X-ray machine or radiation generation devices, or equivalent training;
   (B) training in basic principles of radiation protection; and
   (C) three months of experience in the installation and service of X-ray machines, radiation generating devices, and machine components.

(3) Class III - shielding design for X-ray machines except fluoroscopic X-ray machines:
   (A) training in basic principles of radiation protection;
   (B) training in shielding design for each modality registering to provide services; and
   (C) one year of shielding design experience for each type of machine modality.

(4) Class IV - shielding design for fluoroscopic X-ray machines:
   (A) training in basic principles of radiation protection;
   (B) training in shielding design for each modality registering to provide services; and
   (C) one year of shielding design experience for each type of machine type.

(5) Class V - area radiation surveys and shielding evaluation for X-ray machines:
   (A) training in basic principles of radiation protection;
   (B) training in shielding evaluation for each modality registering to provide services; and
   (C) one year of experience performing area radiation surveys for each type of machine modality.

(6) Class VI - radiation instrument calibration: The applicant must possess a current radioactive materials license or registration authorizing radiation instrument calibration.

(7) Class VII - therapeutic shielding verification and area surveys:
   (A) certification by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, or x-ray and radium physics;
   (B) certification by the American Board of Medical Physics;
   (C) doctorate degree in medical physics or related field; or
   (D) have a master's degree in physics, biophysics, radiological physics, nuclear engineering, or health physics, one year of full-time training in therapeutic radiological physics, one year of full-time experience in a therapeutic facility including personal calibration and spot-check of at least one machine.

(8) Class VIII - providing individual monitoring devices: The applicant shall hold current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology or use NVLAP-accredited dosimetry.

(9) Class IX - general health or medical physics consulting. The applicant shall meet one of the following requirements:
   (A) certified by the American Board of Health Physics in health physics in the appropriate field or specialties for services provided;

(B) certified by the American Board of Medical Physics;
(C) certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, X-ray and radium physics; or
(D) hold a master's or doctorate degree in physics, medical physics, other physical science, engineering, or applied mathematics, from an accredited college or university, and have 40 hours of practical training or supervised experience in X-ray physics.

(b) Any person registered to provide Class IX services prior to October 1, 2025, and holding a baccalaureate degree in physical science of physics, chemistry, or radiologic science, engineering or related field, and having two years of progressive experience in medical or health physics, or two years of graduate training in medical or health physics, is exempt from the requirements in Parts (a)(9)(A) through (D) of this Rule, provided he or she is in good standing with the agency.
(c) The agency shall initiate action to terminate the registration of any person who fails to meet the requirements of this Rule.

History Note: Authority G.S. 104E-7; 104E-13;
Eff. February 1, 1980;
Transferred and Recodified from 15A NCAC 11 .0206 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0207 ADDITIONAL REQUIREMENTS TO PROVIDE SERVICES

(a) A person applying for registration to perform Class II or Class IX services for diagnostic radiation output measurements and equipment surveys, Class V area radiation surveys and shielding evaluations for radiographic and fluoroscopic X-ray machines, or Class VII therapeutic area radiation survey or shielding verification services pursuant to Rule .0205 of this Section shall meet the following additional requirements:

(1) have radiation survey and radiation measurement equipment capable of measuring the radiation energies corresponding to the services requested for authorization;
(2) ensure that the equipment in Subparagraph (a)(1) of this Rule is calibrated annually when a frequency is not recommended by the manufacturer. A frequency other than annually shall be accepted if stated in the manufacturer's manual.
(3) submit the following for agency review prior to registration:
(A) a description of the procedures that will be used in performing area radiation surveys, including a list of all guides and references provided to the employed;
(B) a copy of all forms, reports, and documents that will be supplied in conjunction with the provided services;
(C) samples of surveys for each modality requested for registration;
(D) samples of reports of diagnostic radiation output measurements for each modality requested for registration; and
(E) samples of calibration reports for each therapeutic and kV imaging modality requested for registration.

(b) A person applying for registration to perform Class VI equipment calibrations shall meet the following requirements:

(1) ensure such calibrations are current at the time that the service is provided and traceable to the National Institute of Standards and Technology;
(2) license or register radiation sources used for such calibration as required by the rules in this Chapter;
(3) label the equipment to indicate the date of calibration; and
(4) maintain records of the calibration.

(c) A person applying for registration to perform Class III shielding designs for X-ray machines, Class IV shielding designs for fluoroscopic X-ray machines, and Class VII therapeutic shielding design verification services shall meet the following additional requirements:

(1) submit examples of the shielding design which will be provided to registrants;
(2) submit any technical guides, methodology, occupancy factor rationales, and workload estimation rationales that will be used; and
(3) ensure that the shielding design verification services provided to registrants meet the requirements in this Chapter.

History Note: Authority G.S. 104E-7;
Eff. February 1, 1980;
Amended Eff. June 1, 1993; June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0207 Eff. February 1, 2015;
Readopted Eff. October 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0211 THE INDIVIDUAL RESPONSIBLE FOR RADIATION PROTECTION REQUIREMENTS AND RESPONSIBILITIES

(a) A person applying for registration shall designate an individual responsible for radiation protection on the Business Application form pursuant to Rule .0203(c) of this Section. The qualified individual, who can be an active Registered Technologist (RT) by the American Registry of Radiologic Technologists (ARRT), shall be on site or available at all times and be qualified by reason of education, training, and experience. Records of this individual's education, training, and experience shall be available for review during inspections or upon request

by the agency. The individual shall meet the following qualifications:

(1) training in basic radiation protection principles;
(2) completed educational courses relating to ionizing radiation;
(3) knowledge of potential radiation hazards and emergency precautions; and
(4) training and experience in and knowledge of the proper use of the type of equipment.

(b) The individual shall be responsible for the following:

(1) Establishing and overseeing operating and safety procedures:
  (A) that maintain radiation exposures as low as reasonably achievable (ALARA); and
  (B) to review the procedures annually, or when changes occur, to ensure the procedures are current.
(2) Ensuring individual monitoring devices are used in accordance with these Rules by occupationally exposed personnel. Records of monitoring results shall be:
  (A) reviewed;
  (B) maintained; and
  (C) notifications reported in accordance with Rule .1001(a)(7) of this Chapter.
(3) Ensuring that personnel are complying with:
  (A) this Chapter;
  (B) the conditions of the notice of registration; and
  (C) the operating and safety procedures of the registrant.
(4) Knowing:
  (A) the management policies and administrative procedures of the registrant; and
  (B) keeping management informed of the registrant's radiation protection program.
(5) Assuming control and having the authority to carry out corrective actions, including stopping operations in emergencies or unsafe conditions.

History Note: Authority G.S. 104E-7;
Eff. February 1, 1980;
Amended Eff. June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0211 Eff. February 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019;
Amended Eff. October 1, 2026; October 1, 2025.

10A NCAC 15 .0212 EMERGING TECHNOLOGIES NOT MEETING EXISTING EQUIPMENT REQUIREMENTS

(a) X-ray machines or radiation generating devices that do not meet the X-ray machine or radiation generating device requirements of this Chapter shall not be sold, installed, or used prior to the agency completing a review of information regarding the X-ray machine or radiation generating device and determining if the use of the X-ray machine or radiation generating device is allowed.

(b) The proposed user or manufacturer of the X-ray machine shall submit the following to the agency for review:

(1) an application form in accordance with Rule .0203(d) of this Section;
(2) the manufacturer's manual;
(3) description of intended use;
(4) operator training provided to the end user;
(5) an independent equipment survey that includes:
  (A) all equipment settings available to the operator;
  (B) radiation output at the highest setting; and
  (C) leakage radiation around the X-ray machine.
(6) an area survey that includes:
  (A) radiation levels in adjacent areas, the operator location, and annual exposure to an operator;
  (B) the survey instrument used; and
  (C) the name and signature of the person who performed the survey.
(7) the hazard level associated with the use of the X-ray machine; and
(8) means to achieve radiation protection equivalent to the rules of this Section.

(c) The proposed user or manufacturer of the radiation generating device shall submit the required information in Rule .0808 of this Chapter for agency review.

(d) After receiving the information in Paragraphs (b) and (c) of this Rule, the agency shall respond to the applicant in writing within 90 calendar days. Upon review, the agency may require additional information to determine if the X-ray machine or radiation generating device is allowed for use.

History Note: Authority G.S. 104E-7; 104E-20;
Eff. June 1, 1989;
Amended Eff. June 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0212 Eff. February 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019;
Amended Eff. October 1, 2026; October 1, 2025.

10A NCAC 15 .0214 TRAINING AND EDUCATIONAL REQUIREMENTS FOR EQUIPMENT SERVICES

History Note: Authority G.S. 104E-7; 104E-13;
Eff. June 1, 1989;
Amended Eff. June 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0214 Eff. February 1, 2015;
Repealed Eff. October 1, 2026.

10A NCAC 15 .0301 GENERAL RULES APPLICABLE TO THE SPECIFIC LICENSING OF BYPRODUCT MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 30 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 30:

(1) With the exception of 10 CFR 30.4, a reference to "NRC" or "Commission" means the "Agency;"

(2) A reference to "NRC or agreement state" means the "Agency or agreement state;" and

(3) In 10 CFR 30.18(d) and 30.32(g) where a reference is made to "an Agreement State", it means "an Agreement State or the NRC."

(b) All persons using byproduct material shall comply with the provisions of 10 CFR 30, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 30.1, "Scope;"

(2) 10 CFR 30.2, "Resolution of conflict;"

(3) 10 CFR 30.3(a), (c), and (d), "Activities requiring license," except that references to 10 CFR 30.3(b)(1), (b)(2), and (b)(3) shall not apply;

(4) 10 CFR 30.4, "Definitions," except that references in the definitions to common defense and security shall not apply. For purposes of this Rule, the term "temporary jobsite" shall mean a location where byproduct materials are used and stored other than those locations of use authorized on the license;

(5) 10 CFR 30.6, "Communications," except that notices and reports required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC);

(6) 10 CFR 30.9, "Completeness and accuracy of information;"

(7) 10 CFR 30.10, "Deliberate misconduct;"

(8) 10 CFR 30.11, "Specific exemptions;"

(9) 10 CFR 30.12, "Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts;"

(10) 10 CFR 30.13, "Carriers;"

(11) 10 CFR 30.14, "Exempt concentration;"

(12) 10 CFR 30.15, "Certain items containing byproduct material;"

(13) 10 CFR 30.18, "Exempt quantities;"

(14) 10 CFR 30.19, "Self-luminous products containing tritium, krypton-85, or promethium-147;"

(15) 10 CFR 30.20, "Gas and aerosol detectors containing byproduct material;"

(16) 10 CFR 30.21(a), (b), and (d), "Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans;"

(17) 10 CFR 30.22, "Certain industrial devices;"

(18) 10 CFR 30.31, "Types of licenses;"

(19) 10 CFR 30.32(a) – (d) and (f) – (j), "Application for specific licenses," except that applications shall be submitted to the Agency and the requirements of Paragraph (c) of this Rule shall be met;

(20) 10 CFR 30.33, "General requirements for issuance of specific licenses," except the agency shall issue a "Radioactive Materials License." In the event an "environmental document," as defined by G.S. 113A-9(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;

(21) 10 CFR 30.34(a) – (c), (e)(2), (e)(4), (f) – (k), "Terms and conditions of licenses;"

(22) 10 CFR 30.35, "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"

(23) 10 CFR 30.36, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"

(24) 10 CFR 30.37, "Application for renewal of licenses;"

(25) 10 CFR 30.38, "Application for amendment of licenses and registration certificates." Licensees shall submit an application for amendment to the agency to add temporary jobsites to the license as authorized places of use if the duration of use or storage at the temporary jobsite exceeds 180 days in any calendar year;

(26) 10 CFR 30.39, "Commission action on applications to renew or amend;"

(27) 10 CFR 30.41(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of byproduct material;"

(28) 10 CFR 30.50, "Reporting requirements;"

(29) 10 CFR 30.51, "Records;"

(30) 10 CFR 30.52, "Inspections;"

(31) 10 CFR 30.53, "Tests;"

(32) 10 CFR 30.61, "Modification and revocation of licenses and registration certificates;"

(33) 10 CFR 30.62, "Right to cause the withholding or recall of byproduct material;"

(34) 10 CFR 30.70, "Schedule A – Exempt concentrations;"

(35) 10 CFR 30.71, "Schedule B." This schedule shall also be known as the "exempt quantity table;"

(36) 10 CFR 30.72, "Schedule C – Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release;"

(37) Appendix A to Part 30, "Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"

(38) Appendix B to Part 30, "Quantities of Licensed Material Requiring Labeling;"

(39) Appendix C to Part 30, "Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"

(40) Appendix D to Part 30 "Criteria Relating To Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have no Outstanding Rated Bonds;" and

(41) Appendix E to Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals."

(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical addresses where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;

(E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number shall be provided on the application;

(G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;

(G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part030/.

History Note: Authority G.S. 104E-7; 104E-9(8); 104E-10(b);
Eff. February 1, 1980;
Amended Eff. October 1, 2013; August 1, 1998; January 1, 1994; May 1, 1992; June 1, 1989; July 1, 1982;
Transferred and Recodified from 15A NCAC 11 .0301 Eff. February 1, 2015;
Readopted Eff. May 1. 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0302 GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 31 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 31:

(1) A reference to "NRC" or "Commission" means the "Agency;"
(2) A reference to "NRC or agreement state" means the "Agency or agreement state;"
(3) In 10 CFR 31.5(b)(1)(ii), 31.5(c)(3)(ii), 31.5(c)(8)(i), 31.6, 31.7(a), 31.10(a), 31.10(b)(1), and 31.12(c)(4), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC;" and
(4) In 10 CFR 31.6, where the words "any non-agreement state" or "offshore waters" are used, substitute the words "State of North Carolina".

(b) Persons possessing generally licensed items, manufactured or initially transferred pursuant to Subpart B of 10 CFR 32, shall comply with the provisions of 10 CFR 31, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 31.1, "Purpose and scope;"
(2) 10 CFR 31.2, "Terms and conditions;"
(3) 10 CFR 31.5, "Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere," except that the fee required by 10 CFR 170.31 shall not apply. Persons using devices described in 31.5(a) shall register with the agency. Device registration shall be made in accordance with Paragraph (c) of this Rule and shall contain the information required by 10 CFR 31.5(c)(13)(iii);
(4) 10 CFR 31.6, "General license to install devices generally licensed in 10 CFR 31.5;"
(5) 10 CFR 31.7, "Luminous safety devices in aircraft;"
(6) 10 CFR 31.8, "Americium-241 and radium-226 in the form of calibration or reference sources;"
(7) 10 CFR 31.9, "General license to own byproduct material;"
(8) 10 CFR 31.10, "General license for strontium 90 in ice detection devices;"
(9) 10 CFR 31.11, "General license for use of byproduct material for certain in vitro clinical or laboratory testing," except that persons required by 31.11(b) to register devices with the agency shall comply with the provisions of Paragraph (c) of this Rule;
(10) 10 CFR 31.12, "General license for certain items and self-luminous products containing radium-226;" and
(11) 10 CFR 31.21, "Maintenance of records."

(c) Reports, notifications, and responses to agency requests for information required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency.

(d) Persons registering devices shall use General License Application for Registration forms provided by the agency. These forms are available free of charge at: https://radiation.ncdhhs.gov/rms/rmsgenlicforms.htm. Applications and supporting material shall be submitted to the agency by e-mail at Licensing.ram@dhhs.nc.gov, or at the address shown in Rule .0111(a) of this Chapter in lieu of the United States Nuclear Regulatory Commission. The following information shall appear on the application:

(1) facility name, mailing address, physical address if different from the mailing address, and the name of the county where the facility is located;
(2) type of device;
(3) device manufacturer;
(4) device model numbers and serial numbers;
(5) number of devices being registered, isotopes, and activity;
(6) indicate if the devices have been leak tested by checking the corresponding check box;
(7) if the devices have been leak tested, write down the frequency that leak tests are required;
(8) the name of the person or company performing the leak test;
(9) describe the method of device disposal; and
(10) the signature, printed name, title, date the form is signed, and telephone number of the contact person.

(e) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part031/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. June 1, 1989; October 1, 1984; October 1, 1980;
Transferred and Recodified from 15A NCAC 11 .0302 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0304 SPECIFIC LICENSES: MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 32 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 32:

(1) A reference to "NRC" or "Commission" means the "Agency;"
(2) A reference to "NRC or agreement state" means the "Agency or agreement state;" and
(3) In 10 CFR 32.13, 32.51(a), 32.51(c), 32.56, 32.59, and 32.72(b)(5)(ii), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC."

(b) All persons manufacturing or initially transferring items or devices containing exempt quantities or exempt concentrations of byproduct material, as described in 10 CFR 30.14 and 30.18 and incorporated by Rules .0301(b)(11) and .0301(b)(13) of this

Chapter, generally licensed and specifically licensed items or devices containing byproduct material, items or devices containing byproduct material for medical use in humans, and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of 10 CFR 32:

(1) 10 CFR 32.1(a), (b), and (c)(2), "Purpose and scope;"
(2) 10 CFR 32.2, "Definitions," the term "initially transfer" shall mean the "initial commercial transfer of items and devices to an end user or a commercial or retail reseller;" and
(3) 10 CFR 32.3, "Maintenance of records."

(c) All persons manufacturing or initially transferring items or devices containing exempt quantities of byproduct material shall comply with the following requirements of Subpart A – Exempt Concentrations and Items:

(1) 10 CFR 32.13, "Same: Prohibition of introduction;"
(2) 10 CFR 32.24, "Same: Table of organ doses;" and
(3) applications to manufacture, process, produce, prepare, package, re-package, or initially transfer items or devices for commercial distribution containing exempt concentrations or exempt quantities of byproduct material shall be made to the United States Nuclear Regulatory Commission (NRC) in lieu of the agency.

(d) All persons manufacturing or initially transferring generally licensed devices containing byproduct material shall comply with Paragraph (h) of this Rule and the following requirements of Subpart B – Generally Licensed Items:

(1) 10 CFR 32.51, "Byproduct material contained in devices for use under 10 CFR 31.5; requirements for license to manufacture, or initially transfer;"
(2) 10 CFR 32.51a, "Same: Conditions of licenses;"
(3) 10 CFR 32.52, "Same: Material transfer reports and records;"
(4) 10 CFR 32.53, "Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer;"
(5) 10 CFR 32.54, "Same: Labeling of devices;"
(6) 10 CFR 32.55, "Same: Quality assurance; prohibition of transfer;"
(7) 10 CFR 32.56, "Same: Material transfer reports;"
(8) 10 CFR 32.57, "Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer;"
(9) 10 CFR 32.58, "Same: Labeling of devices;"
(10) 10 CFR 32.59, "Same: Leak testing of each source;"
(11) 10 CFR 32.61, "Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer;"
(12) 10 CFR 32.62, "Same: Quality assurance; prohibition of transfer;" and
(13) 10 CFR 32.71, "Manufacture and distribution of byproduct material in certain in vitro clinical or laboratory testing under general license."

(e) All persons manufacturing or initially transferring items or devices containing byproduct material for medical use in humans shall comply with Paragraph (h) of this Rule and the following requirements of Subpart C – Specifically Licensed Items:

(1) 10 CFR 32.72, "Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35;" and
(2) 10 CFR 32.74, "Manufacture and distribution of sources or devices containing byproduct material for medical use."

(f) All persons manufacturing sealed sources containing byproduct material in quantities equal to or greater than the quantities listed in Appendix E of 10 CFR 20 shall comply with Paragraph (h) of this Rule and the requirements of 10 CFR 32.201.

(g) All persons manufacturing or initially transferring sealed sources or devices containing byproduct material under this Rule for commercial distribution and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of Subpart D – Sealed Source and Device Registration:

(1) 10 CFR 32.210, "Registration of product information;"
(2) 10 CFR 32.211, "Inactivation of certificates of registration of sealed sources and devices;" and
(3) requests for safety evaluations and registration of product information under this Paragraph and inactivation of certificates of registration of sealed sources and devices issued by the agency shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(h) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
    (A) legal business name and mailing address;
    (B) physical addresses where radioactive material shall be used or possessed. The application shall indicate if

radioactive materials shall be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;

(E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number;

(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;

(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(i) The regulations cited in this Rule from 10 CFR Part 32 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part032/.

History Note: Authority G.S. 104E-7; 104E-10(b); 104E-20; 10 CFR 30.71;
Eff. February 1, 1980;
Amended Eff. October 1, 2013; May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0304 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0305 SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 33 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 33:

(1) A reference to "NRC" or "Commission" means the "Agency;" and

(2) A reference to "NRC or agreement state" means the "Agency or agreement state."

(b) Persons who have established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations in compliance with the rules of this Chapter shall comply with the provisions of 10 CFR 33, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 33.1, "Purpose and scope;"

(2) 10 CFR 33.11(a), "Types of specific licenses of broad scope;"

(3) 10 CFR 33.12, "Applications for specific licenses of broad scope," except applications shall be submitted to the agency on forms provided by the agency in accordance with Paragraph (c) of this Rule;

(4) 10 CFR 33.13, "Requirements for the issuance of a Type A specific license of broad scope;"

(5) 10 CFR 33.16, "Application for other specific licenses;" and

(6) 10 CFR 33.17(a) and (b), "Conditions of specific licenses of broad scope."

(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the United States Nuclear Regulatory Commission:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
   (A) legal business name and mailing address;
   (B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;
   (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
   (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
   (E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
   (F) if the application is for the renewal of an existing license, the license number;
   (G) indication of the type and category of license as shown on the form by marking the corresponding check box; and
   (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
   (A) the license number;
   (B) amendment number of the current license;
   (C) expiration date of the license;
   (D) licensee name as it currently appears on the license;
   (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
   (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
   (G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
   (H) explanation of the action requested; and
   (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part033/.

History Note: Authority G.S. 104E-7; 104E-10(b); 104E-20; Eff. February 1, 1980;
Amended Eff. October 1, 2013; April 1, 1999; June 1, 1993; October 1, 1982; September 1, 1981;
Transferred and Recodified from 15A NCAC 11 .0305 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0306 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 34 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 34:

(1) A reference to "NRC" or "Commission" means the "Agency;" and
(2) A reference to "NRC or agreement state" means the "Agency or agreement state."

(b) Persons conducting industrial radiography using radioactive materials shall comply with the requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except for 10 CFR 34.5, 34.8, 34.121,

and 34.123. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/.

(c) Applications required by 10 CFR 34 shall be made on forms provided by the agency. Applications and supporting material shall be submitted to the agency by e-mail to Licensing.RAM@dhhs.nc.gov or mailed to the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  (A) legal business name and mailing address;
  (B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;
  (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is the same as the Radiation Safety Officer, the application shall so state;
  (E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  (F) if the application is for the renewal of an existing license, the license number;
  (G) indication of the type and category of license as shown on the form by marking the corresponding check box; and
  (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
  (A) the license number;
  (B) amendment number of the current license;
  (C) expiration date of the license;
  (D) licensee name as it currently appears on the license;
  (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
  (G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  (H) explanation of the action requested; and
  (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(e) Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC. In addition to the information required by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether personnel contamination occurred.

(f) Requests for exemption from these Rules under 10 CFR 34.111 shall be made to the agency as specified in Paragraph (c) of this Rule.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. January 1, 2005;
Transferred and Recodified from 15A NCAC 11 .0306 Eff. February 1, 2015;
Readopted Eff. May 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0307 MEDICAL USE OF BYPRODUCT MATERIAL IN HUMANS

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 35 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 35:

(1) A reference to "NRC" or "Commission" means the "Agency;" and

(2) A reference to "NRC or agreement state" means the "Agency or agreement state."

(b) All persons using radioactive materials for medical use in humans shall comply with the following requirements of Subpart A to 10 CFR 35, as follows:

(1) 10 CFR 35.1, "Purpose and scope;"
(2) 10 CFR 35.2, "Definitions;"
(3) 10 CFR 35.5, "Maintenance of records;"
(4) 10 CFR 35.6, "Provisions for the protection of human research subjects;"
(5) 10 CFR 35.7, "FDA, other Federal, and State requirements;"
(6) 10 CFR 35.10, "Implementation;"
(7) 10 CFR 35.11, "License required," except that 35.11(c)(1) shall not apply;
(8) 10 CFR 35.12, "Application for license, amendment, or renewal," except that applications shall be submitted to the agency on forms provided by the agency in accordance with Paragraph (n) of this Rule;
(9) 10 CFR 35.13, "License amendments," except that 35.13(a)(1) shall not apply;
(10) 10 CFR 35.14, "Notifications," except that notifications required by this rule shall be submitted to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency;
(11) 10 CFR 35.15, "Exemptions regarding Type A specific licenses of broad scope;"
(12) 10 CFR 35.18, "License issuance," except 35.18(a)(2) shall not apply; and
(13) 10 CFR 35.19, "Specific exemptions."

(c) All persons using radioactive materials for medical use in humans shall comply with the general administrative requirements of Subpart B to 10 CFR 35, as follows:

(1) 10 CFR 35.24, "Authority and responsibilities for the radiation safety program;"
(2) 10 CFR 35.26, "Radiation protection program changes;"
(3) 10 CFR 35.27, "Supervision." Persons using instrumentation for the collection of data to be used by a physician shall hold active nuclear medicine technology (N) certification issued by the American Registry of Radiographic Technologists (ARRT) or hold active certification issued by the Nuclear Medicine Technologist Certification Board (NMTCB) by no later than May 1, 2027, or shall be in training and under the supervision of an individual holding active ARRT(N) or NMTCB certification or an authorized user;
(4) 10 CFR 35.40, "Written Directives;"
(5) 10 CFR 35.41, "Procedures for administrations requiring a written directive;"
(6) 10 CFR 35.49, "Suppliers for sealed source and devices for medical use;"
(7) 10 CFR 35.50, "Training for Radiation Safety Officer and Associate Radiation Safety Officer;"
(8) 10 CFR 35.51, "Training for an authorized medical physicist;"
(9) 10 CFR 35.55, "Training for an authorized nuclear pharmacist;"
(10) 10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist;"
(11) 10 CFR 35.59, "Recentness of training;" and
(12) licensees administering radioactive materials to patients shall have a physician, a nurse practitioner, or a physicians' assistant available to provide emergency life-saving assistance in the event of a medical emergency. These individuals are not required to be users of radioactive materials.

(d) All persons administering radioactive materials to humans not requiring a written directive shall develop, document, maintain, and require the use of a clinical procedures manual. This manual shall be approved in writing by an Authorized user, and shall include the following for each nuclear medicine procedure not requiring a written directive performed at the facility:

(1) the range of radiopharmaceutical dosages;
(2) the method used to determine the dosage;
(3) the route of administration;
(4) provision of job-specific training and assistance to medical personnel in the administration of radioactive material for purposes including, but not limited to, the evaluation of cardiac ischemia in the emergent setting and localization of seizure foci as an adjunct to epilepsy monitoring; and
(5) any other information the licensee determines to be useful for patient care and to prevent the occurrence of medical events.

(e) All persons using radioactive materials for medical use in humans shall comply with the general technical requirements of Subpart C to 10 CFR 35, as follows:

(1) 10 CFR 35.60, "Possession, use, and calibration of instruments used to measure the activity of byproduct material;"
(2) 10 CFR 35.61, "Calibration of survey instruments;"
(3) 10 CFR 35.63, "Determination of dosages of unsealed byproduct material for medical use," except that the determination of dosages of unsealed photon emitting byproduct material shall be made only by direct measurement of radioactivity. If direct measurement of the dosage is not feasible because of the nature of the radiopharmaceutical, the manufacturer's recommendations for determining the dosage shall be used;
(4) 10 CFR 35.65, "Authorization for calibration, transmission, and reference sources;"
(5) 10 CFR 35.67, "Requirements for possession of sealed sources and brachytherapy sources," except that sealed sources and brachytherapy

sources placed in storage may be decayed-in-storage as permitted by Subparagraph (e)(10) of this Rule. Sealed sources and brachytherapy sources placed into decay-in-storage shall be exempt from leak testing and the semi-annual inventory requirements of this Subparagraph;

(6) 10 CFR 35.69, "Labeling of vials and syringes," except that syringe shields and dose carriers used to shield or transport syringes labeled in accordance with this Rule shall not be required to be labeled when under the continuous direct control of the individual measuring the dose in accordance with Subparagraph (e)(3) of this Rule and administering the dose to the patient;

(7) 10 CFR 35.70, "Surveys of ambient radiation exposure rate;"

(8) 10 CFR 35.75, "Release of individuals containing unsealed byproduct material or implants containing byproduct material;"

(9) 10 CFR 35.80, "Provision of mobile medical service;" and

(10) 10 CFR 35.92, "Decay-in-storage," except that licensees may hold byproduct material with a half-life of less than or equal to 275 days for decay-in-storage.

(f) Persons using unsealed radioactive material for medical use not requiring a written directive shall comply with the requirements of Subpart D to 10 CFR 35, as follows:

(1) 10 CFR 35.100, "Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required;"

(2) 10 CFR 35.190, "Training for uptake, dilution, and excretion studies;"

(3) 10 CFR 35.200, "Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required;"

(4) 10 CFR 35.204, "Permissible molybdenum-99, strontium-82, and strontium-85 concentrations;" and

(5) 10 CFR 35.290, "Training for imaging and localization studies."

(g) Persons using unsealed radioactive material for medical use requiring a written directive shall comply with the requirements of Subpart E to 10 CFR 35, as follows:

(1) 10 CFR 35.300, "Use of unsealed byproduct material for which a written directive is required;"

(2) 10 CFR 35.310, "Safety instruction;"

(3) 10 CFR 35.315, "Safety precautions;" except that patient's or human research subject's personal items that cannot be effectively decontaminated to a level indistinguishable from the natural background may be released to them upon discharge, provided that the patient or human research subject is instructed not to share such items with others;

(4) 10 CFR 35.390, "Training for use of unsealed byproduct material for which a written directive is required;"

(5) 10 CFR 35.392, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries);"

(6) 10 CFR 35.394, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries);" and

(7) 10 CFR 35.396, "Training for the parenteral administration of unsealed byproduct material requiring a written directive."

(h) Persons using sealed source radioactive material for medical use in manual brachytherapy shall comply with the requirements of Subpart F to 10 CFR 35, as follows:

(1) 10 CFR 35.400, "Use of sources for manual brachytherapy;"

(2) 10 CFR 35.404, "Surveys after source implant and removal;"

(3) 10 CFR 35.406, "Brachytherapy sources accountability;"

(4) 10 CFR 35.410, "Safety instructions;"

(5) 10 CFR 35.415, "Safety precautions;"

(6) 10 CFR 35.432, "Calibration measurements of brachytherapy sources;"

(7) 10 CFR 35.433, "Strontium-90 sources for ophthalmic treatments;"

(8) 10 CFR 35.457, "Therapy-related computer systems;"

(9) 10 CFR 35.490, "Training for use of manual brachytherapy sources;"

(10) 10 CFR 35.491, "Training for ophthalmic use of strontium-90;" and

(11) activities covered by the provisions of 10 CFR Part 35 listed in Subparagraphs (h)(6) and (h)(7) of this Rule shall be approved by an Authorized Medical Physicist.

(i) Persons using sealed source radioactive material for medical diagnosis shall comply with the requirements of Subpart G to 10 CFR 35, as follows:

(1) 10 CFR 35.500, "Use of sealed sources and medical devices for diagnosis;" and

(2) 10 CFR 35.590, "Training for use of sealed sources and medical devices for diagnosis."

(j) Persons using sealed source radioactive material for medical use in remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units shall comply with the requirements of Subpart H to 10 CFR 35, as follows:

(1) 10 CFR 35.600, "Use of a sealed source in a remote afterloading unit, teletherapy unit, or gamma stereotactic radiosurgery unit;"

(2) 10 CFR 35.604, "Surveys of patients and human research subjects treated with a remote afterloader unit;"

(3) 10 CFR 35. 605, "Installation, maintenance, and repair;"

(4) 10 CFR 35.610, "Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
(5) 10 CFR 35.615, "Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
(6) 10 CFR 35.630, "Dosimetry equipment;"
(7) 10 CFR 35.632, "Full calibration measurements on teletherapy units;"
(8) 10 CFR 35.633, "Full calibration measurements on remote afterloader units;"
(9) 10 CFR 35.635, "Full calibration measurements on stereotactic radiosurgery units;"
(10) 10 CFR 35.642, "Periodic spot-checks for teletherapy units;"
(11) 10 CFR 35.643, "Periodic spot-checks for remote afterloader units;"
(12) 10 CFR 35.645, "Periodic spot-checks for on stereotactic radiosurgery units;"
(13) 10 CFR 35.647, "Additional technical requirements for mobile remote afterloader units;"
(14) 10 CFR 35.652, "Radiation surveys;"
(15) 10 CFR 35.655, "Full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units;"
(16) 10 CFR 35.657, "Therapy-related computer systems;" and
(17) 10 CFR 35.690, "Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units."

(k) Persons using radioactive material for medical use, or radiation from radioactive material for medical use, that are not specifically addressed in Paragraphs (f) through (j) of this Rule shall comply with requirements of Subpart K to 10 CFR 35.

(l) All persons licensed by the agency for the medical use of radioactive material shall maintain records required by Subpart L to 10 CFR 35, as follows:

(1) 10 CFR 35.2024, "Records of authority and responsibilities for radiation protection programs;"
(2) 10 CFR 35.2026, "Records of radiation protection program changes;"
(3) 10 CFR 35.2040, "Records of written directives;"
(4) 10 CFR 35.2041, "Records of procedures for administrations requiring a written directive;"
(5) 10 CFR 35.2060, "Records of calibrations of instruments used to measure the activity of unsealed byproduct materials;"
(6) 10 CFR 35.2061, "Records of radiation survey instrument calibrations;"
(7) 10 CFR 35.2063, "Records of dosages of unsealed byproduct material for medical use;"
(8) 10 CFR 35.2067, "Records of leak tests of sealed sources and brachytherapy sources;"
(9) 10 CFR 35.2070, "Records of surveys for ambient radiation exposure rate;"
(10) 10 CFR 35.2075, "Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material;"
(11) 10 CFR 35.2080, "Records of mobile medical services;"
(12) 10 CFR 35.2092, "Records of decay-in-storage;"
(13) 10 CFR 35.2204, "Records of molybdemum-99, strontium-82, and strontium-85 concentrations;"
(14) 10 CFR 35.2310, "Records of safety instruction;"
(15) 10 CFR 35.2404, "Records of surveys after source implant and removal;"
(16) 10 CFR 35.2406, "Records of brachytherapy source accountability;"
(17) 10 CFR 35.2432, "Records of calibration measurements of brachytherapy sources;"
(18) 10 CFR 35.2433, "Records of decay of strontium-90 sources for ophthalmic treatments;"
(19) 10 CFR 35.2605, "Records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
(20) 10 CFR 35.2610, "Records of safety procedures;"
(21) 10 CFR 35.2630, "Records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
(22) 10 CFR 35.2632, "Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations;"
(23) 10 CFR 35.2642, "Records of periodic spot-checks for teletherapy units;"
(24) 10 CFR 35.2643, "Records of periodic spot-checks for remote afterloader units;"
(25) 10 CFR 35.2645, "Records of periodic spot-checks for gamma stereotactic radiosurgery units;"
(26) 10 CFR 35.2647, "Records of additional technical requirements for mobile remote afterloader units;"
(27) 10 CFR 35.2652, "Records of surveys of therapeutic treatment units;" and
(28) 10 CFR 35.2655, "Records of full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units."

(m) All persons licensed by the agency for the medical use of radioactive material shall make, or cause to be made, the reports required by Subpart M to 10 CFR Part 35. Notifications made by telephone shall be made in accordance with Rule .0111 of this Chapter to the agency in lieu of the United States Nuclear Regulatory Commission (NRC) Operations Center. Written reports and correspondence required by this Rule shall be submitted to the agency at the address shown in Rule .0111(a) of

this Chapter unless otherwise directed by the agency, in lieu of the NRC Regional Office:

(1) 10 CFR 35.3045, "Report and notification of a medical event;"

(2) 10 CFR 35.3047, "Report and notification of a dose to an embryo/fetus or a nursing child;"

(3) 10 CFR 35.3067, "Report of a leaking source;" and

(4) 10 CFR 35.3204, "Report and notification for an eluate exceeding permissible molybdenum-99, strontium-82, and strontium-85 concentrations."

(n) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;

(E) indication if the application is for a new license or for the renewal of an existing license by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number;

(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;

(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available free of charge at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(o) The regulations cited in this Rule from 10 CFR 35 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part035/.

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Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0308 LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 36 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 36:

(1) A reference to "NRC" or "Commission" means the "Agency;" and

(2) A reference to "NRC or agreement state" means the "Agency or agreement state."

(b) Persons irradiating objects or materials using sealed sources containing radioactive materials shall comply with the provisions of 10 CFR 36, which are hereby incorporated by reference including subsequent amendments and editions, except that the requirements of 10 CFR 170 shall not apply, as follows:

(1) 10 CFR 36.1, "Purpose and scope;"

(2) 10 CFR 36.2, "Definitions," except that references to common defense and security remain under NCR jurisdiction and do not apply;

(3) 10 CFR 36.11, "Application for a specific license," except that applications shall be submitted to the Agency and the requirements of Paragraph (c) of this Rule shall be met;

(4) 10 CFR 36.13, "Specific licenses for irradiators;"

(5) 10 CFR 36.15, "Commencement of construction;"

(6) 10 CFR 36.17, "Applications for exemptions;"

(7) 10 CFR 36.19, "Requests for written statements;"

(8) 10 CFR 36.21, "Performance criteria for sealed sources;"

(9) 10 CFR 36.23, "Access control;"

(10) 10 CFR 36.25, "Shielding;"

(11) 10 CFR 36.27, "Fire protection;"

(12) 10 CFR 36.29, "Radiation monitors;"

(13) 10 CFR 36.31, "Control of source movement;"

(14) 10 CFR 36.33, "Irradiator pools;"

(15) 10 CFR 36.35, "Source rack protection;"

(16) 10 CFR 36.37, "Power failures;"

(17) 10 CFR 36.39, "Design requirements;"

(18) 10 CFR 36.41, "Construction monitoring and acceptance testing;"

(19) 10 CFR 36.51, "Training;"

(20) 10 CFR 36.53, "Operating and emergency procedures;"

(21) 10 CFR 36.55, "Personnel monitoring;"

(22) 10 CFR 36.57, "Radiation surveys;"

(23) 10 CFR 36.59, "Detection of leaking sources;"

(24) 10 CFR 36.61, "Inspection and maintenance;"

(25) 10 CFR 36.63, "Pool water quality;"

(26) 10 CFR 36.65, "Attendance during operations;"

(27) 10 CFR 36.67, "Entering and leaving the radiation room;"

(28) 10 CFR 36.69, "Irradiation of explosive or flammable materials;"

(29) 10 CFR 36.81, "Records and retention periods;" and

(30) 10 CFR 36.83, "Reports," except that reports required by this Rule shall be made to the agency at the address shown in Rule .0111(a) of this Chapter unless directed otherwise by the agency, in lieu of the United States Nuclear Regulatory Commission (NRC).

(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licenisng.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;

(E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number;

(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;

(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part036/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. January 1, 2005; January 1, 1994;
Transferred and Recodified from 15A NCAC 11 .0308 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0309 DOMESTIC LICENSING OF SOURCE MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 40 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 40:

(1) With the exception of the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency;"

(2) A reference to "NRC or agreement state" means the "Agency or agreement state;"

(3) In 10 CFR 40.4, in the definition of "special nuclear material", the phrase "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains the same as defined in G.S. 104E-5(16); and

(4) In 10 CFR 40.13(c)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.54, 40.55(c), (c)(1), (d)(1)(ii), (d)(2) and (d)(3), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC".

(b) Persons using source material and byproduct material as defined in this Rule shall comply with the provisions of 10 CFR 40, which are hereby incorporated by reference including subsequent amendments and editions, except that references to importation and exportation of radioactive material and references to and requirements of 10 CFR 70.22(b), (c), (f) – (n), and 10 CFR 110 shall not apply, as follows:

(1) 10 CFR 40.1, "Purpose;"

(2) 10 CFR 40.2, "Scope;"

(3) 10 CFR 40.2a, "Coverage of inactive tailings sites;"

(4) 10 CFR 40.3, "Licensing requirements;"

(5) 10 CFR 40.4, "Definitions," except that the definition of "foreign obligations," "reconciliation," and references in the definitions to common defense and security do not apply;

(6) 10 CFR 40.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency or specified otherwise in this Rule, in lieu of the United States Nuclear Regulatory Commission (NRC);

(7) 10 CFR 40.9, "Completeness and accuracy of information;"

(8) 10 CFR 40.10, "Deliberate misconduct;"

(9) 10 CFR 40.11, "Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts;"

(10) 10 CFR 40.12(a), "Carriers;"

(11) 10 CFR 40.13, "Unimportant quantities of source material," except 10 CFR 40.13(c)(5)(iv);

(12) 10 CFR 40.14, "Specific Exemptions;"

(13) 10 CFR 40.20, "Types of licenses;"

(14) 10 CFR 40.21, "General license to receive title to source or byproduct material;"

(15) 10 CFR 40.22, "Small quantities of source material;"

(16) 10 CFR 40.25, "General license for use of certain industrial products or devices;"

(17) 10 CFR 40.26, "General license for possession and storage of byproduct material as defined in this part;"

(18) 10 CFR 40.31(a), (b), (d), (f) – (i), "Application for specific licenses," except that applications shall be submitted to the agency in accordance with Paragraph (c) of this Rule and reports required by 10 CFR 40.31(g) shall be submitted to the NRC in lieu of the agency. In the event an "environmental document," as defined by G.S. 113-9(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;

(19) 10 CFR 40.32, "General requirements for issuance of specific licenses," except that 10 CFR 40.32(d), (g), and references to and requirements for uranium enrichment and uranium hexafluoride facilities shall not apply. In the event an "environmental document," as defined by G.S. 113A-9(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;

(20) 10 CFR 40.34, "Special requirements for issuance of specific licenses;"

(21) 10 CFR 40.35, "Conditions of specific licenses issued pursuant to 10 CFR 40.34;"

(22) 10 CFR 40.36, "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"

(23) 10 CFR 40.41(a) – (c), (e)(2), (e)(4), (f), "Terms and conditions of licenses;"

(24) 10 CFR 40.42, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"

(25) 10 CFR 40.43, "Renewal of licenses;"

(26) 10 CFR 40.44, "Amendment of licenses at request of licensee;"

(27) 10 CFR 40.45, "Commission action on application to renew or amend;"

(28) 10 CFR 40.46, "Inalienability of licenses;"

(29) 10 CFR 40.51(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of source or byproduct material;"

(30) 10 CFR 40.54, "Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license;"

(31) 10 CFR 40.55, "Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports;"

(32) 10 CFR 40.60, "Reporting requirements;"

(33) 10 CFR 40.61, "Records;"

(34) 10 CFR 40.62, "Inspections;"

(35) 10 CFR 40.63, "Tests;"

(36) 10 CFR 40.65, "Effluent monitoring reporting requirements;"

(37) 10 CFR 40.71, "Modification and revocation of licenses," and

(38) Appendix A to Part 40, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," except Criterion 11A - F and 12 shall not apply.

(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;

(E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) the license number, if the application is for the renewal of an existing license;

(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this

individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;

(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. October 1, 2013; January 1, 2005; January 1, 1994; June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0309 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0310 DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 70 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 70:

(1) With the exception of the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency".

(2) A reference to "NRC or agreement state" means the "Agency or agreement state".

(3) In 10 CFR 70.4, in the definition of "special nuclear material", the phrase "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains the same as defined in G.S. 104E-5(16).

(4) In 10 CFR 70.19(a)(1) and 70.19(c)(3), the term "Commission or the Atomic Energy Commission" remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10 CFR 70.42(b)(1), the word "Department" means the "U.S. Department of Energy".

(b) Persons using special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 70.1(a) and (b), "Purpose;"
(2) 10 CFR 70.2, "Scope;"
(3) 10 CFR 70.3, "License requirements;"
(4) 10 CFR 70.4, "Definitions," except that references in the definitions to common defense and security do not apply;
(5) 10 CFR 70.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC) unless otherwise specified by the agency;
(6) 10 CFR 70.9, "Completeness and accuracy of information;"
(7) 10 CFR 70.10, "Deliberate misconduct;"
(8) 10 CFR 70.11, "Persons using special nuclear material under certain DOE and NRC contracts;"
(9) 10 CFR 70.12, "Carriers;"
(10) 10 CFR 70.17, "Specific exemption;"
(11) 10 CFR 70.18, "Types of licenses;"
(12) 10 CFR 70.19, "General license for calibration and reference sources;"
(13) 10 CFR 70.20, "General license to own special nuclear material;"
(14) 10 CFR 70.21(a)(2), (a)(3), (b), "Filing," except that an applications shall be submitted to the agency in accordance with Paragraph (c) of this Rule;
(15) 10 CFR 70.22(a), (d), and (e), "Contents of application;"
(16) 10 CFR 70.23(a)(1) – (5), "Requirements for the approval of applications;"
(17) 10 CFR 70.25(a)(2), (b) – (h), "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
(18) 10 CFR 70.31(a) and (b), "Issuance of license;"
(19) 10 CFR 70.32(a)(2), (a)(3), (a)(8), (a)(9), (b)(2), and (b)(5), "Conditions of licenses;"
(20) 10 CFR 70.33, "Applications for renewal of licenses;"
(21) 10 CFR 70.34, "Amendment of licenses;"
(22) 10 CFR 70.35, "Commission action on applications to renew or amend;"
(23) 10 CFR 70.36, "Inalienability of licenses;"
(24) 10 CFR 70.38, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor structures;"
(25) 10 CFR 70.39, "Specific licenses for the manufacture or initial transfer of calibration sources;"

(26) 10 CFR 70.41, "Authorized use of special nuclear material;"
(27) 10 CFR 70.42(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of special nuclear material;"
(28) 10 CFR 70.50, "Reporting requirements;"
(29) 10 CFR 70.51, "Records requirements;"
(30) 10 CFR 70.55(a) and (b), "Inspections;"
(31) 10 CFR 70.56, "Tests;" and
(32) 10 CFR 70.81, "Modification and revocation of licenses."

(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
(A) legal business name and mailing address;
(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;
(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
(E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
(F) if the application is for the renewal of an existing license, the license number;
(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and
(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
(A) the license number;
(B) amendment number of the current license;
(C) expiration date of the license;
(D) licensee name as it currently appears on the license;
(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
(H) explanation of the action requested; and
(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Copies of the regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part070/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. January 1, 2005;
Transferred and Recodified from 15A NCAC 11 .0310 Eff. February 1, 2015;
Amended Eff. March 1, 2017;
Readopted Eff. May 1, 2024;
Amended Eff. October 1, 2026.

10A NCAC 15 .0311 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 71 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 71:

(1) In 10 CFR 71.0(c), 71.3, 71.5, 71.17(a), (b), 71.22, 71.23(a), (b), and 71.101(c)(1), a

reference to "NRC" or "Commission" means the "Agency";

(2) In 10 CFR 71.8(b), (d), and 71.17(b), references to the NRC with respect to quality assurance program approval mean the Agency; and

(3) A reference to "NRC or agreement state" means the "Agency or agreement state."

(b) All persons packaging, preparing for transport, or transporting radioactive materials shall comply with the provisions of 10 CFR 71, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 71.0, "Purpose and scope;"

(2) 10 CFR 71.1, "Communications and records;" except that communications, notices, and reports required by this Rule shall be sent to the addresses shown in Rule .0111 of this Chapter unless directed otherwise by the agency, in lieu of the NRC;

(3) 10 CFR 71.3, "Requirement for license;"

(4) 10 CFR 71.4, "Definitions;"

(5) 10 CFR 71.5, "Transportation of licensed material;"

(6) 10 CFR 71.7(a), "Completeness and accuracy of information";

(7) 10 CFR 71.8, "Deliberate misconduct." In 10 CFR 71.8(a)(3), references to the NRC with respect to quality assurance program approval mean the Agency;

(8) 10 CFR 71.12, "Specific exemptions;"

(9) 10 CFR 71.13, "Exemption of Physicians;"

(10) 10 CFR 71.14(a), "Exemption for low-level materials;"

(11) 10 CFR 71.15, "Exemption from classification as fissile material;"

(12) 10 CFR 71.17, "General license: NRC-approved package," except that 10 CFR 71.17(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.17(b) shall be issued by the agency in lieu of the NRC. Notifications required by 10 CFR 71.17(c) shall be made to the agency as required by Subparagraph (b)(2) of this Rule and to the NRC in accordance with 10 CFR 71.17(c)(3);

(13) 10 CFR 71.21, "General license: Use of foreign approved package," except that 10 CFR 71.21(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.21(b) shall be issued by the agency or the NRC.

(14) 10 CFR 71.22, "General license: Fissile material" except that 10 CFR 71.22(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.22(b) shall be issued by the agency.

(15) 10 CFR 71.23, "General license: Plutonium-beryllium special form material," except that 10 CFR 71.23(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.23(b) shall be issued by the agency.

(16) 10 CFR 71.47, "External radiation standards for all packages;"

(17) 10 CFR 71.81, "Applicability of operating controls and procedures;"

(18) 10 CFR 71.83, "Assumptions as to unknown properties;"

(19) 10 CFR 71.85(d), "Preliminary determinations;"

(20) 10 CFR 71.87, "Routine determinations;"

(21) 10 CFR 71.88, "Air transport of plutonium;"

(22) 10 CFR 71.89, "Opening instructions;"

(23) 10 CFR 71.91(a), (c) through (d), "Records;"

(24) 10 CFR 71.93, "Inspection and tests;"

(25) 10 CFR 71.95, "Reports;"

(26) 10 CFR 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste." Advanced notifications required by this Subparagraph shall be made to the NRC as required by 10 CFR 71(c)(iii) and to the Governor's designee as follows:

(A) designee: N.C. Highway Patrol Headquarters, Operations Officer;

(B) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;

(C) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State holidays, and (919) 733-3861 at all other times.

(27) 10 CFR 71.101(a) through (c)(1), (f), (g), "Quality assurance requirements." The quality assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in lieu of the NRC;

(28) 10 CFR 71.103, "Quality assurance organization," except that certificates of compliance shall be issued by the NRC in lieu of the agency;

(29) 10 CFR 71.105, "Quality assurance program;"

(30) 10 CFR 71.106, "Changes to quality assurance program." Changes to the quality assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in lieu of the NRC;

(31) 10 CFR 71.127, "Handling, storage, and shipping control;"

(32) 10 CFR 71.129, "Inspection, test, and operating status;"

(33) 10 CFR 71.131, "Nonconforming materials, parts, or components;"

(34) 10 CFR 71.133, "Corrective action;"

(35) 10 CFR 71.135, "Quality assurance records;"

(36) 10 CFR 71.137, "Audits;"

(37) Appendix A to 10 CFR 71, "Determination of A_1 and A_2;"

(38) Table A-1 of Appendix A to 10 CFR 71, "A_1 and A_2 Values for Radionuclides;"

(39) Table A-2 of Appendix A to 10 CFR 71, "Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides," and

(40) Table A-3 of Appendix A to 10 CFR 71, "General Values for A_1 and A_2."

(c) Requests for a specific exemption from this Rule as permitted by 10 CFR 71.12 shall be made on the licensee's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:

(1) licensee name;

(2) license number;

(3) name of the individual requesting the exemption;

(4) contact information for the individual requesting the exemption;

(5) a description of the exemption being requested; and

(6) an explanation describing why the exemption is necessary.

(d) Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Amended Eff. January 1, 1994;
Transferred and Recodified from 15A NCAC 11 .0311 Eff. February 1, 2015;
Readopted Eff. May 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .0313 EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

(a) All persons using byproduct material, source material, or special nuclear material shall comply with the provisions of 10 CFR 150, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

(1) 10 CFR 150.1, "Purpose;"

(2) 10 CFR 150.2, "Scope;"

(3) 10 CFR 150.3, "Definitions," except that the terms "foreign obligations" and "reconciliation" shall not apply, and in the definition of "special nuclear material", the phrase "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains the same as defined in G.S. 104E-5(16).

(4) 10 CFR 150.4, "Communications," except that questions about this Rule and communications and reports required by this Rule shall be sent to the address shown in Rule .0111(a) of this Chapter unless directed otherwise by the agency, in lieu of the NRC;

(5) 10 CFR 150.11, "Critical Mass;"

(6) 10 CFR 150.20, "Recognition of Agreement State licenses," in addition to the general license authorized by 10 CFR 150.20(a)(1) and subject to the limitations of 10 CFR 150.20(a)(2), any person who holds a specific license issued by an Agreement State or by the NRC is granted a general license to conduct the same activity in North Carolina and the offshore waters within the jurisdiction of the State of North Carolina;

(7) 10 CFR 150.31, "Requirements for Agreement State regulation of byproduct material;" and

(8) 10 CFR 150.32, "Funds for reclamation or maintenance of byproduct material."

(b) Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part150/.

History Note: Authority G.S. 104E-7; 104E-10(b);
Eff. February 1, 1980;
Transferred and Recodified from 15A NCAC 11 .0313 Eff. February 1, 2015;
Readopted Eff. May 1, 2025;
Amended Eff. October 1, 2026.

10A NCAC 15 .1203 LICENSE REQUIRED: LAND DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 61 and to effectuate their joint enforcement, except in 10 CFR 61.2, a reference to "NRC" or "Commission" means the "Agency."

(b) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

(1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility located in North Carolina unless authorized by a license issued by the Department pursuant to this Rule.

(2) No low-level radioactive waste shall be received from any source not granted a low-level waste facility access license by the agency in accordance with G.S. 104E-10.3.

(3) The regulations in 10 CFR 61 are hereby incorporated by reference, including subsequent amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84 are not incorporated by reference. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part061/. Communications, records, reports, and notifications required by 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(4) Applicants and licensees shall comply with the applicable requirements under G.S. 104E-6.1,

104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c) through (h), and (j).

(5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply to the interpretation and application of this Rule.

(6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a temporary or emergency basis to determine compliance with the rules in this Chapter or to respond to any emergency which involves possible or actual release of radioactive material.

(c) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (b) of this Rule.

(1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility licensed under Paragraph (b) of this Rule unless licensed by the agency or authorized in accordance with G.S. 104E-10.3.

(2) The definitions of terms in G.S. 104E-5 shall apply to the interpretation and application of this Rule.

(3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop procedures and implement practices to prevent, minimize, and reduce the generation of low-level radioactive waste as required by G.S. 104E-27(a). These procedures and practices shall include segregating radioactive waste by half-life and holding low-level radioactive waste for decay in storage.

(4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (b) of this Rule, the agency shall review the contents of the application and determine if the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and if the requirements in Subparagraph (c)(3) of this Rule are met. If the agency determines that the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and that the applicant's procedures and practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency shall issue a license as described in this Rule.

(5) Licenses issued under this Rule are subject to suspension or revocation for failure to comply with the rules of this Chapter or in accordance with 10 CFR 61.9b(a) and (c).

(6) Facilities licensed by the agency and licensed activities may be inspected by authorized representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of the Department, the Department may delegate this authority to individuals representing the radiation control programs within those jurisdictions.

(d) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;

(E) indication if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number;

(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;
(C) expiration date of the license;
(D) licensee name as it currently appears on the license;
(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
(H) explanation of the action requested; and
(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Application forms specified in this Rule are available at . https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

History Note: Authority G.S. 104E-5; 104E-6.1; 104E-7; 104E-10(b); 104E-10.1; 104E-10.2; 104E-10.3; 104E-11; 104E-18; 104E-25; 104E-26; 104E-27;
Eff. December 1, 1987;
Amended Eff. May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .1203 Eff. February 1, 2015;
Readopted Eff. May 1, 2023;
Amended Eff. October 1, 2026.

10A NCAC 15 .1301 WELL LOGGING, WIRELINE-SERVICE OPERATIONS, AND SUBSURFACE TRACER STUDIES: REQUIREMENTS FOR LICENSEES

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 39 and to effectuate their joint enforcement, a reference to "NRC" or "Commission" means the "Agency."

(b) Persons using sources of radiation for well logging, wireline-service operations, mineral logging, radioactive markers, or subsurface tracer studies shall comply with the provisions of 10 CFR Part 39, except that 10 CFR 39.5, 39.8, 39.101, and 39.103 shall not apply.

(c) Applications required by 10 CFR 39.11 shall be made on forms provided by the agency, and the payment of fees required by 10 CFR Part 170 shall not apply. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov or at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, for the renewal of existing radioactive materials licenses, or for exemptions from this Rule, shall submit an Application for Radioactive Materials License. Items one through five on the application form shall be completed by the applicant, using additional sheets as necessary. The following information shall appear under 10 CFR 39.91 on the application:
(A) legal business name and mailing address;
(B) physical addresses where radioactive material will be used or possessed. The application shall indicate if radioactive materials will be used at temporary jobsites;
(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
(E) indication if the application is for a new license or for the renewal of an existing license by marking the corresponding check box;
(F) if the application is for the renewal of an existing license, the license number;
(G) indication of the type and category of license as shown on the form by marking the corresponding check box; and
(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. Items one through seven on the application form shall be completed by the applicant, using additional sheets as necessary. The following information shall appear on the application:
(A) the license number;
(B) amendment number of the current license;

(C) expiration date of the license;
(D) licensee name as it currently appears on the license;
(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
(G) a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
(H) explanation of the action requested; and
(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available free of charge at: https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

(d) Persons conducting subsurface tracer studies using unsealed sources of radiation shall obtain agency approval prior to injecting licensed material into the subsurface. Agency approval shall be obtained by submitting a license application to the agency in accordance with Paragraph (c) of this Rule.

(e) Notifications, authorization requests, and reports required by 10 CFR 39.77 shall be made to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(f) Applications for exemptions from this Rule permitted by 10 CFR 39.91 shall be submitted to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(g) The regulations cited in this Rule from 10 CFR Part 39 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part039/.

History Note: Authority G.S. 104E-3; 104E-7;
Eff. June 1, 1989;
Amended Eff. January 1, 1994;
Transferred and Recodified from 15A NCAC 11 .1301 Eff. February 1, 2015;
Readopted Eff. October 1, 2022;
Amended Eff. October 1, 2026.

10A NCAC 15 .1601 STANDARDS FOR PROTECTION AGAINST RADIATION

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 20 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 20:

(1) Except in 10 CFR 20.1003, a reference to the "Nuclear Regulatory Commission," "NRC" or "Commission" means the "Agency;" and
(2) In 10 CFR 20.1003, in the definition of "special nuclear material", the phrase "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains the same as defined in G.S. 104E-5(16).

(b) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed pursuant to the rules in Section .0300, .0900, .1200, or .1300 of this Chapter, shall comply with the provisions of 10 CFR 20 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except references to and requirements for 10 CFR 50, 52, 60, 63, 72, 73, and 76 shall not apply:

(1) 20.1001, "Purpose," except that non-ionizing radiation from radiation machines registered in accordance with the rules in Section .0200 of this Chapter shall also be regulated by this Rule;
(2) 20.1002, "Scope;"
(3) 20.1003, "Definitions," except that for persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 20 shall have the following substitutions:
(A) "license" shall have the same meaning as "registration" as defined in Rule .0103(b) of this Chapter;
(B) "licensed" shall have the same meaning as "registered" as defined in Rule .0103(b) of this Chapter;
(C) "licensed material" shall have the same meaning as "radiation machine" as defined in Rule .0103(b) of this Chapter; and
(D) "licensee" shall have the same meaning as "registrant" as defined in Rule .0103(b) of this Chapter;
(4) 20.1004, "Units of radiation dose;"
(5) 20.1005, "Units of radioactivity;"
(6) 20.1007, "Communications," except that licensees and registrants shall address communications regarding these rules, notifications, and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
(7) 20.1101, "Radiation protection programs;"
(8) 20.1201, "Occupational dose limits for adults;"
(9) 20.1202, "Compliance with requirements for summation of external and internal doses;"
(10) 20.1203, "Determination of external dose from airborne radioactive material;"

(11) 20.1204, "Determination of internal exposure;"
(12) 20.1206, "Planned special exposures;"
(13) 20.1207, "Occupational dose limits for minors;"
(14) 20.1208, "Dose equivalent to an embryo/fetus;"
(15) 20.1301, "Dose limits for individual members of the public;"
(16) 20.1302, "Compliance with dose limits for individual members of the public;"
(17) 20.1401, "General provisions and scope;"
(18) 20.1402, "Radiological criteria for unrestricted use;"
(19) 20.1403, "Criteria for license termination under restricted conditions;"
(20) 20.1404, "Alternate criteria for license termination;"
(21) 20.1405, "Public notification and public participation," except the agency shall not publish a notice in the Federal Register;
(22) 20.1406, "Minimization of contamination," except that 20.1406(b) shall not apply;
(23) 20.1501, "General;"
(24) 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose;"
(25) 20.1601, "Control of access to high radiation areas;"
(26) 20.1602, "Control of access to very high radiation areas;"
(27) 20.1701, "Use of process or other engineering controls;"
(28) 20.1702, "Use of other controls;"
(29) 20.1703, "Use of individual respiratory protection equipment;"
(30) 20.1704, "Further restrictions on the use of respiratory equipment;"
(31) 20.1705, "Application for use of higher assigned protection factors;"
(32) 20.1801, "Security of stored material;"
(33) 20.1802, "Control of material not in storage;"
(34) 20.1901, "Caution signs;"
(35) 20.1902, "Posting requirements;"
(36) 20.1903, "Exceptions to posting requirements;"
(37) 20.1904, "Labeling containers;"
(38) 20.1905, "Exemptions to labeling requirements," except that 20.1905(g) shall not apply;
(39) 20.1906, "Procedures for receiving and opening packages;"
(40) 20.2001, "General requirements;"
(41) 20.2002, "Method for obtaining approval of proposed disposal procedures;"
(42) 20.2003, "Disposal by release to sanitary sewerage;"
(43) 20.2004, "Treatment or disposal by incineration;"
(44) 20.2005, "Disposal of specific wastes;"
(45) 20.2006, "Transfer for disposal and manifests;"
(46) 20.2007, "Compliance with environmental and health protection regulations;"
(47) 20.2008, "Disposal of certain byproduct material;"
(48) 20.2101, "General provisions;"
(49) 20.2102, "Records of radiation protection programs;"
(50) 20.2103, "Records of surveys;"
(51) 20.2104, "Determination of prior occupational dose;"
(52) 20.2105, "Records of planned special exposures;"
(53) 20.2106, "Records of individual monitoring results;"
(54) 20.2107, "Records of dose to individual members of the public;"
(55) 20.2108, "Records of waste disposal;"
(56) 20.2110, "Form of records;"
(57) 20.2201, "Reports of theft or loss of material." Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter shall make telephone reports of the theft or loss of radiation machines in accordance with 20.2201(a)(1)(i);
(58) 20.2202, "Notifications of incidents;"
(59) 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits," except that 20.2203(c) shall not apply;
(60) 20.2204, "Reports of planned special exposures;"
(61) 20.2205, "Reports to individuals of exceeding dose limits;"
(62) 20.2206, "Reports of individual monitoring," except that 20.2206(a)(1), and 20.2206(a)(3) through (a)(5) shall not apply. The report required by 20.2206(b) shall be submitted upon request by the agency in lieu of the requirements of 20.2206(c);
(63) 20.2207, "Reports of transactions involving nationally tracked sources." Notwithstanding Subparagraph (b)(6) of this Rule, reports required by this Subparagraph shall be made in accordance with 20.2207(f) and (g);
(64) 20.2301, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
(A) licensee or registrant name;
(B) license or registration number;
(C) name and contact information for the individual requesting the exemption;

(D) a description of the exemption being requested; and
(E) an explanation describing why the exemption is necessary;
(65) 20.2302, "Additional requirements;"
(66) Appendix A to Part 20, "Assigned Protection Factors for Respirators;"
(67) Appendix B to Part 20, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage;"
(68) Appendix C to Part 20, "Quantities of Radioactive Material Requiring Labeling;"
(69) Appendix E to Part 20, "Nationally Tracked Source Thresholds," and
(70) Appendix G to Part 20, "Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests."

(c) No person shall intentionally expose an individual monitoring device, as defined in 10 CFR 20.1003, to radiation for the purpose of causing the device to indicate a dose not received by the individual to whom the device is assigned.
(d) Licensees and registrants shall continue to perform all activities required by the rules of this Chapter, and any license or registration conditions imposed by the agency, and shall pay annual fees required by the Rules in Section 10A NCAC 15.1100 until the license or registration is terminated. Registrants shall maintain registration of all radiation machines under their control until those units are disposed.
(e) Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part020/.

History Note: Authority G.S. 104E-7(a)(2);
Eff. January 1, 1994;
Amended Eff. August 1, 1998;
Transferred and Recodified from 15A NCAC 11 .1601 Eff. February 1, 2015;
Readopted Eff. October 1, 2023;
Amended Eff. October 1, 2026; May 1, 2025.

10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 37 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 37:
(1) With the exception of 10 CFR 37.5 a reference to "NRC" or "Commission" means the "Agency"; and
(2) A reference to "NRC-licensed" means licensed by the Agency.

(b) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is hereby incorporated by reference, including any subsequent amendments and editions, except the following regulations are not incorporated:
(1) 10 CFR 37.1;
(2) 10 CFR 37.3;
(3) 10 CFR 37.7;
(4) 10 CFR 37.9;
(5) 10 CFR 37.11(a) and (b);
(6) 10 CFR 37.13;
(7) 10 CFR 37.105;
(8) 10 CFR 37.107; and
(9) 10 CFR 37.109.

(c) Licensee required reports of events or notifications in 10 CFR 37.23(b)(2), 37.41, 37.45, 37.57, 37.77(a) through (d), and 37.81 shall use the Agency contact information in Rule .0111 of this Chapter.
(d) Copies of these regulations are available free of charge at https://www.ecfr.gov/current/title-10/chapter-I/part-37.

History Note: Authority G.S. 104E-7;
Eff. June 1, 2016;
Amended Eff. October 1, 2026; May 1, 2023.

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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 June 30, 2027 or an inspection for lead-based paint or asbestos is conducted by 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 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).

History Note: Authority S.L. 2021-180, s. 9G.8;
Temporary Adoption Eff. April 29, 2022;
Eff. April 1, 2023;
Amended Eff. October 1, 2026.

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 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 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.

History Note: *Authority S.L. 2021-180, s. 9G.8;*
Temporary Adoption Eff. April 29, 2022;
Eff. April 1, 2023;
Amended Eff. October 1, 2026.

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 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 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.

History Note: Authority S.L. 2021-180, s. 9G.8;
Temporary Adoption Eff. April 29, 2022;
Eff. April 1, 2023;
Amended Eff. October 1, 2026.

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 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.

History Note: Authority S.L. 2021-180, s. 9G.8;
Temporary Adoption Eff. April 29, 2022;
Eff. April 1, 2023;
Amended Eff. October 1, 2026.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09A .0101 LOCATION

The North Carolina Criminal Justice Standards Division is established in the Department of Justice and is located at 1700 East Tryon Park Drive, in Raleigh, North Carolina. The mailing address is:

North Carolina Criminal Justice Standards Division
Post Office Drawer 149
Raleigh, North Carolina 27602
Telephone (919)661-5980

History Note: Authority G.S. 17C-3; 17C-6;
Eff. January 1, 1981;
Amended Eff. November 1, 1998; August 15, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0102 PURPOSE

The purpose of the Commission is to raise the level of competence within the criminal justice community by:

(1) Establishing minimum standards for employment and retention of criminal justice personnel;

(2) Establishing minimum standards for the training and education of criminal justice personnel;

(3) Promoting the planning and development of a systematic career development program for criminal justice professionals by providing and encouraging advanced or specialized training, education, and certification;

(4) Planning and promoting the development and improvement of a comprehensive system of education and training in the administration of criminal justice;

(5) Conducting and stimulating research and planning, by public and private agencies, designed to improve education and training in the administration of criminal justice;

(6) Studying the recruitment, selection, education and training of criminal justice personnel and recommending improvements in such methods; and

(7) Maintaining liaison among local, state, and federal agencies with respect to criminal justice education and training.

History Note: Authority G.S. 17C-1; 17C-6;
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F:

(1) "Active Duty Military" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

(2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).

(3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.

(4) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Juvenile Justice.

(5) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.

(6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09A .0201, or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(7) "Convicted" or "Conviction" means the entry of:
   (a) a plea of guilty;
   (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
   (c) a plea of no contest, nolo contendere, or the equivalent.

(8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).

(9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.

(10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Agency Head" also includes a designee appointed in writing by the Agency Head.

(11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

(12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(13) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located.

(14) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:
   (a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and
   (b) for Department of Public Safety, Division of Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.

(15) "High School" means a public or private school offering education in grades 9 through 12 or 10 through 12 that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

(16) "In-Service Training" means all training that must be completed, pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.

(17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

(18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special qualifications or experience, without following

the usual selection process established by the agency for basic officer positions.

(19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

(20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.

(21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.

(22) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

(23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

(24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.

(25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

(26) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired

driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: https://ncdoj.gov/download/16/general-information/360601/class-b-misdemeanor-manual-09-2022.pdf. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;

(ii) driving while license permanently revoked or permanently suspended;

(iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and

(iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(27) "Qualified Assistant" means an additional staff person designated by the School Director, pursuant to Rule 09B .0201 of this Chapter, to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(29) "School" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(30) "School Director" means the person designated by the sponsoring institution or agency to administer the school, pursuant to Rule 09B .0201 of this Chapter.

(31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR and LIDAR, approved under authority of G.S.

17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Eff. January 1, 1981;
Amended Eff. November 1, 1981; August 15, 1981;
Readopted Eff. July 1, 1982;
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; October 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0106 CRIMINAL JUSTICE STANDARDS DIVISION

The Criminal Justice Standards Division of the Department of Justice shall administer the minimum standards established by the Commission as set forth in the rules of this Chapter regarding the certification of criminal justice officers and instructors and the accreditation of criminal justice training schools and programs. The Standards Division shall present to the Commission for its adoption administrative procedures for those programs of certification and accreditation and may create forms for application for and administration of those programs.

History Note: Authority G.S. 17C-6; 17C-9;
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0107 PROCEDURES FOR PETITIONS FOR RULE-MAKING

(a) Petitions for Rule-Making 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 for adoptions or amendments; and
(3) the reason for its proposal.

(b) Petitioners may also submit the following in the petition:

(1) the effect of the proposal on existing rules or decisions;
(2) data supporting the proposal;
(3) practices likely to be affected by the proposal; and
(4) a list or description of persons likely to be affected by the proposed rule.

History Note: Authority G.S. 150B-20;
Eff. January 1, 1981;
Amended Eff. April 1, 2009; November 1, 1993; July 1, 1988; April 1, 1984;
Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Donald W. Overby declared Paragraph (d) of this rule void as applied in Curtis Canty v. NC Criminal Justice Education and Training Standards Commission (14 DOJ 01202);
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. August 1, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES

(a) If any criminal justice agency, school, or an authorized representative acting on behalf of either, is reported to be or suspected of being in violation of any of the rules in this Chapter, the Commission may take action in accordance with Rules .0202 through .0206 of this Section to correct the violation and to ensure that similar violations do not occur in the future.

(b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the Commission.

(c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that the Commission's rules have been violated.

(d) If it is determined by the Probable Cause Committee that probable cause exists, it shall:

(1) direct the Standards Division to conduct a further investigation of the alleged violation;
(2) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to Rule .0207 of this Subchapter; or
(3) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. March 1, 2004; November 1, 1993; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2021;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0202 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS

If the Commission finds that a violation has been committed by an agency or school, the Commission shall:

(1) issue an oral warning and request for compliance;

(2) issue a written warning and request for compliance;
(3) issue an official written reprimand;
(4) suspend or refuse to grant accreditation to any school or program or course of instruction until proper corrective measures have been taken to bring the agency or school into compliance with the rules of this Chapter which were violated and verification of such compliance has been made by the Commission; or
(5) suspend or refuse to grant accreditation to any school or program or course of instruction for a specific period of time not to exceed five years.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0203 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules of this Chapter, the Commission shall take action to correct the violation and to ensure that the violation does not re-occur, including:

(1) issuing an oral warning and request for compliance;
(2) issuing a written warning and request for compliance;
(3) issuing an official written reprimand;
(4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual;
(5) revoking or denying the individual's certification.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

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

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

(1) a felony offense; or
(2) a criminal offense for which the maximum punishment included imprisonment for more than two years.

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

(1) has not completed the required basic training course in its entirety within prescribed time periods applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).
(2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;
(3) has committed or been convicted of:
(A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or
(B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;
(4) has been separated by a criminal justice agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's license;
(5) has been separated by a criminal justice agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;
(6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;
(7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;
(8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
(9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
(10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;

(11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;

(12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;

(13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;

(14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

(15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or

(16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;

(17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1, 1993; March 1, 1992; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff: January 1, 2026;
Readopted Eff. October 1, 2026.

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

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

(1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);

(2) commission or conviction of a criminal offense for which the maximum punishment included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or

(3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

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

(1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;

(2) refusal to submit to the applicant or lateral transferee drug screen required by 12 NCAC 09C .0310;

(3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;

(4) material misrepresentation, including omitting or knowingly providing false information required for certification or accreditation;

(5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification

by any means of false pretense, deception, fraud, misrepresentation or cheating;

(6) failure to make any of the notifications as required by 12 NCAC 09B .0101(13);

(7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;

(8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification;

(9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A .0103(26)(b) regardless of the date of commission or conviction;

(10) engaging in sexual activity outlined in Rule .0204(b)(17) of this Subchapter; or

(11) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Sheriffs' Standards Division as outlined in 12 NCAC 09A .0204(b)(18).

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

(1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, .0225, .0235, and .0236;

(2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;

(3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

(4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E .0100.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989; October 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; January 1, 2022; July 1, 2020;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0207 ADMINISTRATIVE HEARING PROCEDURES

(a) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge as authorized in G.S. 150B-40(e) shall be governed by:

(1) procedures set out in Article 3A of G.S. 150B;

(2) the Rules of Civil Procedure as contained in G.S. 1A-1;

(3) the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.

(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which this agency has authority to adopt rules pursuant to G.S. 150B-38(h).

(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties of the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.

(d) Pursuant to G.S. 17C-11(b), an applicant for certification, or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

History Note: Authority G.S. 17C-6; 17C-11(b); 150B-38(h); 150B-40;
Eff. August 1, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a state and federal fingerprint-based criminal history record check.

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

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

(e) Pursuant to 12 NCAC 09C .0303(a), an applicant for certification as a law enforcement officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the results of the criminal history record check utilizing fingerprints.

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; October 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-approved basic law enforcement training course pursuant to 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1), pursuant to 12 NCAC 09I .0105, and shall be examined by either 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, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

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

(1) the Medical History Statement Form (F-1), which must be completed by the applicant and signed by the examiner; and

(2) the Medical Examination Report Form (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical Examination Report Addendum Form (F-2B), pursuant to 12 NCAC 09I .0105.

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

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

(1) the applicant beginning the Commission-approved basic law enforcement training course; and

(2) the employing agency submission of application for certification to the Commission.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; November 1, 2024; October 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0105 EMPLOYMENT INTERVIEW

(a) Prior to employment, the employing agency shall conduct an interview of the applicant to evaluate the applicant's knowledge, skills, and abilities for success as a law enforcement officer.

(b) The agency head may conduct the interview personally or delegate the responsibility to a qualified staff member or panel, who is competent, whether by education, training, or experience, to conduct the employment interview. The agency head shall identify those individuals he or she deems qualified.

(c) A summary of the applicant's interview, including the name and signature of the interviewer, shall be retained in the applicant's personnel file at the agency, pursuant to 12 NCAC 09C .0307(a)(1)(E).

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

(a) Each applicant for certification as a law enforcement officer shall submit documentary evidence of high school, college, or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, pursuant to 16 NCAC 06D .0100, which is hereby incorporated by reference, and shall include any later amendments and editions; the Division of Non-Public Education, pursuant to 01 NCAC 40 .0300, which is hereby incorporated by reference, and shall include any later amendments and editions; or a governing out of state entity; or such documentation as described in Paragraphs (b), (c), (d), and (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or if earned outside North Carolina, the requirements of the state statute governing high school diplomas from home school programs in the state where the diploma was earned.

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by a true and accurate or certified transcript. The Division's staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.

(d) The Division's staff shall evaluate high school diplomas earned through on-line or distance education courses on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, the state Department of Education, or

educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.
(f) Documentary evidence of the attainment of passing scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a certified copy of the veteran's DD214, Certificate of Release from Active Duty.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0111 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

(1) a felony;
(2) a criminal offense for which the maximum punishment included imprisonment for more than two years;
(3) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of certification ;
(4) a crime or unlawful act defined as a "Class B Misdemeanor" occurring after the date of certification;
(5) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;
(6) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification or
(7) a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;
(8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 09A .0103(5) defines "Commission of an offense" as a finding by the North Carolina Criminal Justice Education and Training Standards Commission, or equivalent regulating body from another state, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2022;
Readopted Eff. October 1, 2026.

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, .0212, .0226, .0227, .0232, .0233, .0235, .0236, .0237, .0238, .0241, .0313, .0314, and .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;
(8) Within 48 hours of making a schedule change, 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 of the occurrence of a student illness or injury, 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 area Compliance and Control Tactics;

(5) Schedule no single individual to instruct more than 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 calendar 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 09I .0102;

(7) Submit a copy of all 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 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), 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.

(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) of this Subchapter; and

(10) Not more than 10 calendar 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, and submit to the Commission a Post-Delivery Report of Training Course Presentation (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, as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); 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 North Carolina Justice Training and Certification portal.

(3) Not fewer than 30 calendar 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 numbers of all instructors and evaluators; and
   (C) a copy of any rules and requirements for the school; and

(4) Not more than 10 calendar 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/LIDAR, or LIDAR speed measuring instrument (SMI) operator training course or re-certification course, the School Director shall:

(1) select and schedule SMI instructors who are certified by the Commission as instructors,

pursuant to Rules .0237 and .0308 of this Subchapter, for the specific speed measuring instruments in which the trainees are to receive instruction;

(2) not fewer than 30 calendar 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, pursuant to 12 NCAC 09I .0102, and

(3) upon completing delivery of the Commission-certified course, and not more than 10 calendar days after the conclusion of a school's offering of 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, pursuant to 12 NCAC 09I .0102. This report shall include the original motor-skill examination forms completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006; May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, 2020;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS

(a) The Radar 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 radar operator. This course shall be for a period not to exceed four consecutive weeks and shall consist of a minimum of 30 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar Training	0.5 Hours
(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar Speed Measurement	5 Hours
(5)	Legal and Operational Considerations	4 Hours
(6)	Familiarization and Operation of Specific Radar Instruments	10 Hours
(7)	Courtroom Preparation	3 Hours
(8)	Motor-Skill Performance Testing	4 Hours
(9)	Course Review	1 Hour

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

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency shall be enrolled in the Radar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the Radar Operator Training Course at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

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

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	1.5 Hours
(3)	Motor-Skill Performance Testing	4 Hours

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

(d) Students enrolled in a Radar Operator Re-Certification Training Course shall, at the time of enrollment, hold active radar operator certification or have previously held active radar operator certification within the 12 months prior to the scheduled end date of the course. Federal law enforcement personnel shall be allowed to participate in a Radar Operator Re-Certification Training Course at the discretion of the school director without previously having held radar operator certification, but such personnel must have completed one introductory level speed measurement instrument course that included instruction on operation of radar 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 the 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.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; April 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0215 SUPPLEMENTAL SMI TRAINING

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to allow officers an opportunity to be certified on additional speed measuring instruments and modes, as defined in 12 NCAC 09C .0308(h), not included on the officers' initial speed measuring instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as an instructor or operator using the additional speed measuring instruments and modes.

(b) Each applicant for supplemental SMI training shall:
(1) possess a valid radar or lidar speed measuring instrument instructor or operator certification as a result of successful completion of a training course set forth in 12 NCAC 09B .0210, .0212, .0237, .0238, or .0242;
(2) present the endorsement of a Commission-certified school director or in-service training coordinator, or agency head or his or her designee, by submitting Form SMI-16, pursuant to 12 NCAC 09I .0106(a)(4);
(3) present a copy of the applicant's active SMI operator or instructor certification, which lists the instruments and modes that the officer is certified to operate;
(4) demonstrate proficiency in the motor-skill and performance subject areas with the instrument and modes as evidenced by completion of the Commission's SMI-1 Form, SMI-1A Form, or SMI-13 Form pursuant to 12 NCAC 09I .0106(a)(1)-(3); and
(5) for individuals seeking certification on modes which are not included on their current SMI certification, complete 240 minutes of supervised field practice for each additional mode on Form SMI-15 pursuant to 12 NCAC 09I .0106(b)(2). For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

(c) The supplemental SMI training course required for certification on the additional instruments shall consist of a minimum of 1.5 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 hour
(2)	Familiarization & Operation of Specific SMI Instruments	0.5 hour
(3)	Motor Skills Testing (per instrument per student)	0.5 hour

(d) Adding instruments and modes to an individual's SMI operator or instructor certification shall not extend the certification period as prescribed in 12 NCAC 09B .0308 and 12 NCAC 09C .0308.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026;
Readopted Eff. October 1, 2026.

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 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
(8)	Course Review	1 Hour

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

History Note: Authority G.S. 17C-6;
Eff. May 1, 2004;
Amended Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; April 1, 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0242 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR AND LIDAR OPERATORS

(a) The Radar/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 radar and lidar operator. This course shall be for a period not to exceed four consecutive weeks, and shall consist of a minimum of 36 hours of instruction and shall include the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar/Lidar Training	0.5 Hours

(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar/Lidar Speed Measurement	6 Hours
(5)	Legal and Operational Considerations	5 Hours
(6)	Familiarization and Operation of Specific Radar and Lidar Instruments	12 Hours
(7)	Courtroom Preparation	4 Hours
(8)	Motor-Skill Performance Testing	5 Hours
(9)	Course Review	1 Hour

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

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency may be enrolled in the Radar/Lidar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a Radar/Lidar Operator Training Course at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

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

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	2.5 Hours
(3)	Motor-Skill Performance Testing	5 Hours

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

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

(1) hold active radar operator certification or have previously held active radar operator certification within 12 months prior to the scheduled end date of the course; and

(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.

Federal law enforcement personnel who do not meet these requirements shall be allowed to participate in a Radar/Lidar Operator Re-Certification Training Course at the discretion of the school director, but such personnel must have completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and lidar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule, 12 NCAC 09B .0212(a), and 12 NCAC 09B .0238(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.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; April 1, 2022;
Readopted Eff. October 1, 2026.

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 and Delinquency Prevention);

(7) Medical Emergencies (Department of Public Safety, Division of Juvenile 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 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 80 percent on the comprehensive 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 probationary or general Criminal Justice Instructor Certification, as specified in Rule .0303 of this Section:
(2) Complete the Commission-approved specialized Compliance and Control Tactics instructor 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 become certified through one of the following two methods:

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

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

(1) Hold probationary or general Criminal Justice Instructor Certification, 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 probationary or general Criminal Justice Instructor Certification, 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 probationary or general Criminal Justice Instructor Certification, 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.

(iii) 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; 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 probationary or general Criminal Justice Instructor Certification, 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-accredited criminal justice instructor training course or an equivalent instructor training course, pursuant to Rule .0302 of this Section, utilizing the Instructional Systems Design model, as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); 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) 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 probationary or general Criminal Justice Instructor Certification, 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.

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006; December 1, 2004; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2025;
Readopted Eff. October 1, 2026.

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) 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, be in total compliance with the standards established by the North Carolina Sheriff's Education and Training Standards Commission;

(C) hold Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;
(D) hold current RADAR Operator Certification pursuant to 12 NCAC 09C .0308;
(E) complete the Commission-approved RADAR Instructor Training Course as required in 12 NCAC 09B .0210;
(F) obtain the recommendation of a Commission-certified school director or agency executive officer or their designee; and
(G) 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) hold current Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;
(B) hold current Radar Operator Certification, pursuant to 12 NCAC 09C .0308;
(C) complete the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;
(D) have been certified as a RADAR Instructor within the three years preceding the completion of the RADAR Instructor Re-Certification Course;
(E) has 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) 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 apply for reissuance of the previously held RADAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:
(1) holds current Criminal Justice Instructor Certification, pursuant to 12 NCAC 09B .0302;
(2) has completed the pre-qualification skills assessments;
(3) 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; 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.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2006; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0408 COMPREHENSIVE STATE EXAMINATION–SMI OPERATOR CERTIFICATION

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measuring instrument (SMI) operator course or re-certification course, the Commission shall administer a comprehensive state examination to each student who has completed all of the required course work. The examination shall be an objective test covering the topic areas contained in the certified course curriculum, pursuant to 12 NCAC 09B .0212, .0238, and .0242.

(b) A student of a RADAR, LIDAR, or RADAR/LIDAR operator training shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly. A student who fails to achieve a passing score on a RADAR, LIDAR, or RADAR/LIDAR operator training comprehensive State examination shall be eligible to request re-examination with the following conditions:
(1) The student must have achieved a minimum score of 60 percent on the initial examination;
(2) The student's request for re-examination shall be made in writing on the Commission's

Examination Request Form (F-23) pursuant to 12 NCAC 09B .0406(c), and shall be received by the Standards Division within 15 days of the initial examination;

(3) The student shall have, within 30 days of the date of initial examination, only one opportunity for re-examination; and

(4) The student must have completed each motor-skill and performance area of the course curriculum.

A student who fails to achieve the minimum passing score of 70 percent on the re-examination, or who fails to achieve a minimum score of 60 percent on the initial examination, shall not be eligible for SMI operator certification until a subsequent SMI operator training course offering and examination are completed by the student.

(c) A student of a RADAR operator re-certification, LIDAR operator re-certification, or RADAR/LIDAR operator re-certification training course, pursuant to Paragraph (a) of this Rule, shall achieve a passing score on the comprehensive state examination upon answering a minimum of 75 percent of the questions correctly. At the time a student fails to achieve the minimum passing score, the student's SMI operator certifications shall be immediately revoked, and the student shall not be eligible for re-certification until a subsequent SMI operator training course offering and further examination are completed by the student.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; October 1, 1983; April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0409 SATISFACTION OF TRAINING -- SMI OPERATORS

(a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

(1) achieve a minimum score of 70 percent correct answers on the comprehensive state examination as outlined in 12 NCAC 09B .0408;

(2) complete a Commission-approved course as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) as evidenced by a completed Post Delivery Form (F-10B) pursuant to 12 NCAC 09I .0102;

(3) demonstrate proficiency in the motor-skill and performance subject areas to a certified Speed Measurement Instrument (SMI) instructor as evidenced on documentation on the Commission's SMI-1 Form for radar instruments and SMI-13 Form for lidar instruments, pursuant to 12 NCAC 09I .0106;

(4) present evidence showing completion of 12 hours of supervised field practice, as outlined in Paragraph (c) of this Rule, within 90 days after completing a RADAR or RADAR/LIDAR operator training course as prescribed in 12 NCAC 09B .0212, .0215, and .0242. Evidence of completion shall consist of a completed SMI-15 Form pursuant to 12 NCAC 09I .0106. Individuals applying for SMI operator certification may request an extension of up to 12 months for the 90-day requirement to complete the 12 hours of supervised field practice. The Director shall grant the extension request upon a showing of just cause which, for the purposes of this Rule, includes accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time;

(A) Individuals shall be exempt from the portions of the required supervised field practice, as outlined in Subparagraph (c)(4) of this Rule, which they have completed at a prior date, upon providing evidence of prior completion; and

(B) Evidence shall include a completed SMI-14 Form pursuant to 12 NCAC 09I .0106, and a copy of the individual's prior SMI operator or instructor certification which lists the instruments and modes which the officer is certified to operate. Division staff shall evaluate the evidence of prior completion to determine which portions of the supervised field practice have been completed at a prior date.

(b) Any trainee failing to achieve proficiency in the motor-skill area may request re-examination within 15 days of the original examination. The trainee's request for re-examination shall consist of a completed F-23 Exam Admission Form, pursuant to 12 NCAC 09I .0102. A trainee shall have, within 30 days of the original examination, only one opportunity for motor-skill re-examination and must complete each identified area of deficiency on the original motor-skill examination. If the trainee fails to achieve the prescribed score on the examination, the trainee's active SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible for certification or re-certification until a subsequent SMI operator training course offering is completed, as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a), and further examination is completed.

(c) The 12 hours of supervised field practice shall be completed as follows:

(1) The trainee must conduct the 12 hours of field practice using the radar instrument with the most modes, pursuant to 12 NCAC 09C

.0308(h), that the trainee is seeking certification to operate;

(2) The trainee shall operate the police vehicle and the radar instrument while being supervised by a certified radar instructor or operator who is certified to operate the radar instrument used by the trainee during the field practice;

(3) SMIs shall not be used to enforce speed violations by the trainee or by the supervising radar operator or instructor during the 12 hours of field practice;

(4) The 12 hours of field practice shall be completed according to the following time requirements:

(A) for trainees seeking certification with a dual antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 120 minutes in each mode while using the front antenna and 120 minutes in each mode while using the rear antenna;

(B) for trainees seeking certification with a dual antenna unit and with stationary and moving-opposite modes only: 180 minutes in each mode while using the front antenna and 180 minutes in each mode while using the rear antenna;

(C) for trainees seeking certification with a dual antenna unit and with stationary mode only: 360 minutes in stationary mode while using the front antenna and 360 minutes in stationary mode while using the rear antenna;

(D) for trainees seeking certification with a single antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 240 minutes in each mode while using the front antenna;

(E) for trainees seeking certification with a single antenna unit and with stationary and moving-opposite modes only: 360 minutes in each mode while using the front antenna; or

(F) for trainees seeking certification with a single antenna unit and with stationary mode only: 720 minutes in stationary mode while using the front antenna.

(d) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

(1) Achieve a score of 75 percent correct answers on the comprehensive State examination provided for in 12 NCAC 09B .0408(c);

(2) Complete a Commission-approved course, prescribed under 12 NCAC 09B .0210(d), .0212(c), .0237(d), .0238(c), or .0242(c);

(3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule; and

(4) For individuals seeking supplemental certification or re-certification to operate instruments with additional modes than those currently or previously certified to operate, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; August 1, 1984;
October 1, 1983; April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020; Amended Eff. February 1, 2026; January 1, 2021;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0414 COMPREHENSIVE STATE EXAM – SPECIALIZED INSTRUCTOR TRAINING

(a) The Commission shall administer a comprehensive State examination within 60 days of the completed required course work for the following courses:

(1) Specialized Firearms Instructor Training;

(2) Specialized Driver Instructor Training;

(3) Specialized Compliance and Control Tactics Instructor Training;

(4) Specialized Physical Fitness Instructor Training;

(5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;

(6) RADAR Instructor Training;

(7) LIDAR Instructor Training;

(8) Re-Certification Training for RADAR Instructors; and

(9) Re-Certification Training for LIDAR Instructors.

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

(c) A trainee shall achieve a passing score on the comprehensive State examination if he or she achieves 80 percent correct answers.

(d) A trainee who has achieved a minimum score of 70 percent but below the passing score of 80 percent on the comprehensive State examination is eligible for a re-examination of the comprehensive state examination.

(e) Trainees enrolled in a RADAR or LIDAR Instructor Re-Certification Course must achieve a minimum score of 80 percent on the comprehensive State examination. Those who do not meet this requirement are ineligible for a retest and must instead re-enroll and complete the next available Speed Measuring Instrument Operator and Instructor courses corresponding to the certification they are seeking.

(f) A trainee who fails to achieve a minimum score of 70 percent on the Commission's comprehensive State examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. February 1, 1987;
Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0303 PROBATIONARY CERTIFICATION

(a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or commence active service as an officer, the employing agency shall have in its possession the person's Probationary Certification.

(b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice employment, as specified in Rules .0101, .0114, .0116, and .0117, of this Subchapter, when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: https://ncdoj.gov/download/100/division-of-juvenile-justice/373038/f-5a-jj-juvenile-justice-application-for-certification-08-2026.pdf. The process for issuing probationary certification is as follows:

(1) The Standards Division shall issue the person's Probationary Certification to the employing agency.

(2) If an oath is required, the official administering an oath of office to the person shall be presented the person's Probationary Certification prior to the swearing. The administering official shall sign and date the oath on the Probationary Certification. The employing agency shall return a copy of the signed Probationary Certification to the Standards Division within 10 calendar days of the administration of the officer's oath.

(3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter the date on which the officer's service commenced, returning a copy of the certification to the Standards Division within 10 calendar days of the commencement of the officer's service.

(c) The criminal justice officer's Probationary Certification shall remain valid for 12 months from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency.

(d) Criminal Justice Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training outlined in 12 NCAC 09B .0235 or .0236, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

(e) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

(f) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under Paragraphs (b) through (e) of this Rule.

(g) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, the department head of the criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not more than 20 calendar days after the administration of their oath of office.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. August 1, 2015; November 1, 1993; March 1, 1992; July 1, 1989; October 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0308 SPEED MEASURING INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM

(a) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency who use a SMI for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the SMI. Certification in one or more categories reflects operational proficiency in the designated types of approved equipment for which the trainee has been examined and tested.

(b) Standards Division staff shall issue SMI certification in the following categories:

(1) RADAR operator SMI certification or re-certification requiring completion of the training program as required in 12 NCAC 09B .0210, .0212, .0218, or .0242;

(2) LIDAR SMI operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, or .0242.

(c) The applicant shall meet the following requirements for SMI operator certification or re-certification within 90 days of completing a SMI course outlined in 12 NCAC 09B .0212, .0238, or .0242:

(1) have passed the comprehensive state exam as prescribed in 12 NCAC 09B .0408;

(2) have completed the 12 hours of field practice training as outlined in 12 NCAC 09B .0409; and

(3) meet one of the following requirements:

(A) hold active certification as a law enforcement officer; or

(B) be employed as a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E and be in compliance with the employment and training standards as established by the North Carolina Sheriffs' Education and Training Standards Commission, pursuant to 12 NCAC 10B .0400.

(d) Certified SMI operators shall be notified by email via the North Carolina Justice Training and Certification portal not less than 90 days prior to the expiration of certification. All applicants for re-certification shall complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt and review by Division staff of the required documentation outlined in 12 NCAC 09B .0409. Operator re-certification shall be issued only to officers with active law enforcement certification.

(e) If re-certification is not obtained within the prescribed 12-month period, the officer is no longer eligible for re-certification and must meet the requirements of initial operator certification, including completion of a RADAR, LIDAR, or RADAR/LIDAR operator training course as outlined in 12 NCAC 09B .0212(a), 12 NCAC 09B .0238(a), and 12 NCAC 09B .0242(a).

(f) RADAR operator certification is valid for a three-year period from the date of issuance. Re-certification is also valid for a three-year period from the date of issuance, unless sooner terminated by the Commission.

(g) LIDAR operator certification and re-certification shall only be issued when the applicant holds active RADAR operator certification. The expiration date of LIDAR operator certification and re-certification shall match the expiration date of the applicant's RADAR operator certification.

(h) An individual's SMI operator certification shall apply only to the instruments and modes of operation with which the individual has proven proficiency in the motor-skill and performance subject areas, pursuant to 12 NCAC 09B .0409(a)(3), during an SMI operator course pursuant to 12 NCAC 09B .0212, .0215, .0238, and .0242. Modes of operation include: stationary, moving-same direction, and moving-opposite direction.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984;
Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020;
Amended Eff. February 1, 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS

(a) Prior to approval as a speed measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall include any later amendments and editions. 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/#91-105-wpfd-smi.

(b) Prior to approval, speed measuring instruments shall be evaluated for law-enforcement use in North Carolina by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Public Safety, as outlined in "Appendix A: Approved List of Speed Measuring Instruments" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. 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/#91-105-wpfd-smi. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ANNUAL ACCURACY TESTS AND DAILY OPERATIONAL PROCEDURES

(a) All requirements for accuracy testing methods and operational procedures for speed measuring instruments used by law enforcement officers and agencies to measure the speed of vehicles for enforcement of speed laws and regulations shall conform with G.S. 8-50.2 and G.S. 17C-6.

(b) Each speed measuring instrument shall be tested for accuracy within a 12-month period prior to each use of the instrument for speed enforcement purposes, as outlined in "Appendix B: Annual Tests for Accuracy Requirements" published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. 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/#91-105-wpfd-smi. The results of the tests shall be recorded on Form SMI-9 for RADAR instruments and Form SMI-12 for LIDAR instruments, pursuant to 12 NCAC 09I .0106.
(c) On a daily basis, speed measuring instruments must be calibrated and tested for accuracy by the certified SMI operator prior to using the instrument for speed enforcement purposes. The tests shall be conducted according to the recommendations of the instrument's manufacturer and include tuning fork tests for each of the instrument's modes of operation.
(d) The daily operating procedures by SMI operators of each speed measuring instrument shall be in accordance with the instrument's manufacturer recommendations and conform with G.S. 8-50.2. The daily operating procedures are outlined in "Appendix C: Daily Tests for Accuracy Requirements & Operating Procedures" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. 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/#91-105-wpfd-smi.

History Note: Authority G.S. 8-50.2; 17C-6;
Eff. August 1, 1998;
Amended Eff: May 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0303 PROBATIONARY CERTIFICATION

(a) A prospective employee may commence service as a correctional officer or probation/parole officer at the time of employment with the North Carolina Department of Adult Correction.
(b) Within 90 calendar days of appointment to a position for which the Commission requires certification, the North Carolina Department of Adult Correction shall submit a completed Application for Certification Corrections Officer (Form F-5A), pursuant to 12 NCAC 09I .0109, to the Standards Division.
(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Adult Correction submits a completed Application for Certification Corrections Officer (Form F-5A) to the Standards Division.
(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Adult Correction.
(e) The officer's Probationary Certification shall remain valid for 12 months from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.
(f) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training, pursuant to 12 NCAC 09G .0411 and .0412, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.
(g) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain documentation of Probationary Certification in the officer's personnel records.
(h) Officers with Probationary Certification who have completed the required basic training and who, through promotional opportunities or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their Probationary Certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G 0208 and .0209 (except 12 NCAC 09G .0208(5) and .0209(5)) on Form F-5C(DAC), pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction. Upon reinstatement of their Probationary Certification, the officer must complete the remainder of their 12-month probationary period prior to being eligible for General Certification.

History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant a correctional officer or probation/parole officer General Certification when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0203, .0204, .0205, and .0303 of this Subchapter.
(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.
(c) Certified correctional officers and probation/parole officers who, through promotional opportunities, or non-disciplinary

transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G .0208 (except 12 NCAC 09G .0208(5)) and .0209 (except 12 NCAC 09G .0209(5)) on Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the correctional or probation/parole officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of certified corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Form F-D (DAC), Notice of Certification Transfer, pursuant to 12 NCAC 09I .0109, to the Standards Division.

(1) Upon receipt of the Notice of Certification Transfer, the Standards Division shall cancel the officer's current General Certification, and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.

(2) The Commission shall grant an officer General Certification as the new type of corrections officer when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, within the officer's probationary period and the officer has met all other requirements for General Certification.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. November 1, 2024; May 1, 2023;
Readopted Eff. October 1, 2026.

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 schools, pursuant to 12 NCAC 09C .0401 and 12 NCAC 09G .0402, for officers holding probationary certification, pursuant to 12 NCAC 09C .0303 and 12 NCAC 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.

History Note: Authority G.S. 17C-6;
Eff. October 1, 2026.

12 NCAC 09I .0109 CERTIFICATION FORMS – ADULT CORRECTION

The following Commission-approved forms shall be used during the application process for correctional officer or probation/parole officer certification:

(1) Form F-5A (DAC), Adult Correction Report of Appointment and Application, shall include the following information about the applicant:
  (a) type of certification applying for;
  (b) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;
  (c) prior certification history, including whether the applicant previously held a position requiring certification or licensure from any commission, board, or agency and whether any previous certification was suspended or revoked;
  (d) whether the applicant has ever been denied employment for a position with a law enforcement agency, corrections agency, or security agency;

(e) names and types of relationships with any family member in prison, jail, or on probation or parole;
(f) history of illegal drug use;
(g) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;
(h) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;
(i) military history, including date and type of last discharge, and the branch, type of discharge, and start and end dates of service for all periods of active duty;
(j) explanation for any type of military discharge other than honorable;
(k) report of appointment information to be completed by the agency authorized representative, including: applicant's position title, Beacon number, effective date, education and degree information, date of fingerprinting, date Division of Criminal Information Network (DCIN) checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab, whether Forms F-1 and F-2 were completed (pursuant to .0105 of this Subchapter), date of physical exam, name and license number of examining medical practitioner;
(l) notarized signature of the applicant; and
(m) signature of agency authorized representative.

(2) Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, shall include the following information about the applicant:
(a) type of certification applying for;
(b) type of application (transfer from a non-certified position or reappointment following separation);
(c) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;
(d) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;
(e) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;
(f) report of appointment information to be completed by the agency authorized representative, including: position title and effective date, Beacon number, date of fingerprinting, date DCIN checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab;
(g) notarized signature of the applicant; and
(h) signature of agency authorized representative.

(3) Form F-5D (DAC), Notice of Certification Transfer, shall include the following information about the applicant:
(a) name, Beacon number, social security number, date of birth, email address, home address, and phone number;
(b) current or previous certification type and certification type transferring to;
(c) position title and effective date of transfer;
(d) education and experience information;
(e) notarized signature of the applicant; and
(f) signature of the agency authorized representative.

(4) Form F-5E (DAC), Notice of Transfer to a Non-Certified Position, shall include the following information about the transferring officer:
(a) name, date of birth, and last four of social security number;
(b) original certification date;
(c) date of transfer to non-certified position;
(d) title of non-certified position;
(e) type of last certification held, including whether it was probationary or general and whether it was correctional officer certification or probation/parole officer certification;
(f) whether basic training was completed;
(g) whether the officer has been subject to a disciplinary transfer;

(h) name, title, and signature of agency head or authorized representative;

(5) Form F-38 (DAC), Authorization for Release of Information to North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Department of Adult Correction, shall include the following:

(a) applicant's name, date of birth, driver's license number and issuing state, home address, and phone number; and

(b) applicant's notarized signature.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. October 1, 2026.

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) position title 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;

(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-36, pursuant to 12 NCAC 09I .0116; 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;

(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.

History Note: Authority G.S. 17C-6;
Eff. October 1, 2026.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 17 .0101 PURPOSE

The Security Systems Licensing Board is established within the North Carolina Department of Public Safety for the purpose of administering the licensing of and setting the educational and training requirements for persons, firms, associations, and corporations engaged in providing security systems and services to citizens of North Carolina.

History Note: Authority G.S. 74D-4; G.S. 74D-5;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984;
Transferred and Recodified from 12 NCAC 11 .0101 Eff. July 1, 2015;
Amended Eff. December 1, 2017;
Readopted Eff. June 1, 2018;
Amended Eff. October 1, 2026; March 1, 2026.

14B NCAC 17 .0504 NON-RESIDENT LICENSEE OR REGISTRANT CONTINUING EDUCATION CREDITS

A non-resident licensee or registrant shall obtain the required continuing education credits as set forth in Rule .0502 of this Section. If a non-resident licensee or registrant resides in a state that requires continuing education for a security systems business license, then the continuing education courses to be offered in the state of residence may be considered by the North Carolina Security Systems Licensing Board for sanctioning in North Carolina on an individual course basis. In determining if the course is to be sanctioned, the Board shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objective.

History Note: Authority G.S. 74D-2; 74D-5;
Eff. May 1, 1999;
Amended Eff. July 18, 2002;
Transferred and Recodified from 12 NCAC 11 .0504 Eff. July 1, 2015;
Readopted Eff. June 1, 2018;
Amended Eff. October 1, 2026; March 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 - CHIROPRACTIC EXAMINERS

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

(a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a written application and paid the non-refundable application fee pursuant to Rule 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination set forth in G.S. 90-143(b).
(b) Reciprocity Applicants. Reciprocity applicants shall complete the following:
(1) submit the application set forth in 21 NCAC 10 .0202(a);
(2) pay the application fee set forth in 21 NCAC 10 .0202(c);
(3) pass the jurisprudence exam set forth in Paragraph (h) of this Rule;
(4) comply with the requirements of G.S. 90-143.1; and
(5) provide an attestation that the applicant meets the requirements of G.S. 90-143.1.
(c) Dates of Examination. The North Carolina jurisprudence examination shall be given at least four times during the calendar year. The Board shall announce an examination date not less than 30 days in advance and shall publish the date of upcoming examinations on the Board's website, www.ncchiroboard.com. The Board shall also individually notify each eligible applicant of the date of the next examination after the applicant's non-refundable application fee has been paid and the written application pursuant to Rule .0202 of this Section has been submitted to the Board.
(d) National Boards. Except as provided in Paragraph (f) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this State or who is not a reciprocity applicant shall first achieve a score of 375 or higher on Parts I-IV and the Physiotherapy examination given by the National Board of Chiropractic Examiners.
(e) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to be reported to the Board from the examination testing provider. The Board shall not issue a license to an applicant for whom the Board has not received official score reports from the examination testing provider showing passage of the examination set forth in Paragraph (d) of this Rule.
(f) Waiver of National Boards. Notwithstanding the requirements of Paragraph (d) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina:
(1) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall be required to submit scores of 375 or higher on National Board Part I, Part II, and the

elective examination termed "Physiotherapy," but shall not be required to submit a score on Part III or Part IV.

(2) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall be required to submit scores of 375 or higher on National Board Part I, Part II, the elective examination termed "Physiotherapy," and Part III, but shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score pursuant to this Paragraph shall take and pass the Special Purpose Examination for Chiropractic ("SPEC") and the North Carolina Examination. An applicant seeking licensure who qualifies for a waiver of any National Board score must submit an application for licensure to the Board pursuant to Rule .0202 of this Section.

(g) SPEC Examination. The SPEC is administered by the National Board of Chiropractic Examiners. The passing score shall be 375 or higher. In order to take the North Carolina examination, the following individuals must first take and pass the SPEC:

(1) a reciprocity applicant;

(2) a waiver applicant pursuant to Paragraph (f) of this Rule;

(3) an applicant previously licensed in this State whose active license has been lapsed pursuant to G.S. 90-155 for 1096 days or more unless the applicant has been engaged in continuous licensed chiropractic practice in another state within the United States requiring annual in-person or live on-line continuing education for the period of time during which the applicant's North Carolina-issued license has been lapsed and has not been subject to any disciplinary action impacting the applicant's ability to engage in chiropractic practice; or

(4) an applicant previously licensed in this State whose active license has been lapsed pursuant to G.S. 90-155 for a period of time between 366 and 1095 days, unless the applicant has not been subject to any disciplinary action impacting the applicant's ability to engage in chiropractic practice and:

(A) the applicant has been engaged in continuous licensed chiropractic practice in another state within the United States requiring annual in-person or live on-line continuing education for the period of time during which the applicant's North Carolina-issued license has been lapsed; or

(B) the applicant completes the educational sessions or programs set forth in G.S. 90-155(a), plus six (6) additional hours of continuing education for each year during which the applicant's North Carolina license was lapsed. At least six (6) of the total continuing education hours shall address topics of coding, compliance, exam procedures, or documentation. At least six (6) of the total continuing education hours shall be in-person or live on-line.

Reciprocity applicants and waiver applicants pursuant to Paragraph (f) of this Rule who have achieved a score of 375 or higher on Part IV of the National Board examination shall not be required to take and pass the SPEC prior to licensure. Applicants whose license has been lapsed for 365 days or less shall not be required to take and pass the SPEC prior to licensure if they complete the educational sessions or programs as required by G.S. 90-155(a) or if they have been engaged in continuous licensed chiropractic practice in another state within the United States requiring annual in-person or live on-line continuing education equivalent to the North Carolina continuing education requirements for the period of time during which the applicant's North Carolina-issued license has been lapsed. The term 'lapsed" in this Rule shall mean "inactive" as used in G.S. 90-155. The term "live on-line continuing education" shall have the same meaning as set forth in Rule .0204(e) of this Section.

(h) Nature of Examination. The North Carolina jurisprudence examination shall be a test of an applicant's knowledge of North Carolina chiropractic law and regulations. The passing grade shall be 75 percent.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-143.3; 90-144; 90-145; 90-146;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983; October 17, 1980;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amendment Eff. February 18, 1983;
Temporary Amendment Eff. May 1, 1998;
Amended Eff. October 1, 2018; April 1, 2018; February 1, 2009; July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. October 1, 2022; July 1, 2021;
Readopted Eff. April 1, 2026;
Amended Eff. October 1, 2026.

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CHAPTER 64 - SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

21 NCAC 64 .1003 LICENSEE REQUIREMENTS

(a) Licensees shall hold a current, permanent license in North Carolina or an equivalent qualification from another state for a minimum of two years, prior to registering an Assistant.

(b) Licensees who register an Assistant shall demonstrate understanding of the elements of the registration and supervision process, including scope of practice, ethics, written protocols, and record keeping, by correctly answering at least seven out of ten jurisprudence questions regarding the statutes and rules regulating supervision of Assistants.

(c) Licensees shall submit the application and annual fee for registration of the Assistant to the Board, as required in Rule .1002(e) of this Section. To register an Assistant, a licensee shall provide the following information to the Board:

(1) The name, mailing address, phone number, and email address of the Assistant;
(2) The dates on which the Assistant successfully completed the educational and examination requirements identified in Rule .1002(a) of this Section and whether the Assistant previously has been registered with the Board as an Assistant;
(2) The Licensee's name, email address, and license number;
(3) The addresses at which the Licensee will provide supervision to the Assistant and maintain documentation related to supervision;
(4) The addresses at which the Assistant will provide services;
(5) The number of Assistants currently supervised by the Licensee;
(6) Whether the Assistant will provide feeding or swallowing services;
(7) A sample written session protocol for a hypothetical patient specifying all three protocol elements in Parts (e)(1)(A) through (C) of this Rule; and
(8) The Licensee's attestation that:
(A) he or she has read the supervision requirements set forth in the rules of this Section;
(B) he or she agrees to abide by the supervision requirements set forth in the rules of this Section;
(C) he or she accepts responsibility for the professional services provided by the Assistant and will be available to the Assistant while the Assistant is providing services; and
(D) the information provided in the application is correct.

(d) Licensees shall ensure that patients are informed when services are being provided by an Assistant through the following methods:

(1) The Assistant shall wear a badge that includes the job title: "SLP-Assistant."
(2) When services are to be rendered by an Assistant, the patient or, if the patient is a minor, the patient's legal guardians shall be informed in writing. This notification form shall be kept on file in the patient's chart, indicating the patient's name and date notified.

(e) The standards for all patient services provided by the Assistant shall be the full responsibility of the Supervising Licensee as defined in Rule .1001(b) and shall not be delegated. Therefore, the assignment of tasks shall be determined by the Supervising Licensee to ensure quality of care considering: the skills of the Assistant, needs of the patient, the service-setting, the tasks assigned, and any other relevant factors.

(1) Before assigning treatment tasks to an Assistant, the Primary Supervising Licensee shall first evaluate the patient, prepare a general treatment plan, and provide the Assistant with a written session protocol specifying the following for patient behaviors:
(A) eliciting conditions;
(B) target behavior; and
(C) contingent response.
(2) The Primary Supervising Licensee shall document the Assistant's application of the treatment protocol with each patient. Each time a new protocol is introduced, the Primary Supervising Licensee shall ensure and document that the Assistant is utilizing all three protocol elements in Parts (e)(1)(A) through (C) of this Rule.
(3) For every record created that documents a patient encounter for screening or treatment in which an Assistant provides service, there shall be legible signatures of the Assistant and one Supervising Licensee.
(4) These signed and dated patient encounter records shall be retained as part of the patient's file for the time period specified in Rule .0209 of this Chapter and may be requested by the Board.
(5) Upon receipt of evidence tending to show that a violation of this Section may have occurred, the Board may issue subpoenas to audit records related to the supervision of an Assistant.

(f) In the 90-day period following the Assistant's registration and in every 90-day period thereafter while the Assistant is registered, the Primary Supervising Licensee shall:

(1) Provide to each full-time Assistant under his or her supervision who works on average 30 or more hours per week a minimum of six hours of direct supervision and six hours of indirect supervision;
(2) Provide to each part-time Assistant under his or her supervision who works on average less than 30 hours per week a minimum of three hours of direct supervision and three hours of indirect supervision; and
(3) Update and sign a written treatment plan that documents each patient's short-term goals, skilled intervention, eliciting conditions, target behaviors, and contingent responses.

(g) Activities that provide direct supervision include observing in-person or recorded therapy sessions by the Assistant, providing co-treatment with the Assistant, or modeling therapy techniques during a session with the Assistant. Activities that provide indirect supervision include reviewing therapy notes prepared by the Assistant, lesson planning for the Assistant, communicating with the Assistant about sessions by telephone or email, or providing written feedback to the Assistant about sessions. The dates and amount of supervision provided shall be documented, dated, and made available upon Board request.

(h) The Primary Supervising Licensee shall complete and maintain a Competency Rating Scale, entitled "Form D," for each Assistant on a form prescribed by the Board that is available on the Board's website. The Primary Supervising Licensee shall record on the Form D his or her observations regarding the Assistant's skills, as set forth in this Rule. The Primary Supervising Licensee shall update the Form D through observation, feedback, and performance evaluation sessions. The Form D shall be made available for Board review upon request. The Primary Supervising Licensee shall provide written feedback to each Assistant and provide evidence of written feedback to the Board upon annual registration of the Assistant, the discontinuation of supervision of the Assistant, or upon request by the Board.

(i) A completed Form D shall contain the following:

(1) The name and registration number of the Assistant;

(2) The name and license number of the Primary Supervising Licensee;

(3) The Primary Supervising Licensee's rating of the Assistant's demonstrated competencies in the following skills:

(A) Clerical skills;

(B Interpersonal skills;

(C) Professional conduct in the work setting;

(D) Technical skills; and

(E) Other skills decided by the Primary Supervising Licensee as necessary for the work performed by the Assistant.

(4) The Primary Supervising Licensee's plan to encourage further growth of the Assistant's skills; and

(5) The dated signature of the Primary Supervising Licensee and the Assistant.

(j) The Primary Supervising Licensee shall review and approve all documentation prepared by the Assistant related to the provision of services for patients at least once every 30 days. This review shall be documented with the date of review and Primary Supervising Licensee's initials or signature. This review shall be maintained in the patient and Assistant supervision records.

(k) The Primary Supervising Licensee shall assess the Assistant's competencies during the initial 60 days of employment using the performance-based competency assessment and orientation checklist provided by the Board on the Board's website. The Primary Supervising Licensee shall submit the completed checklist to the Board within 90 days of registration. Each time the Primary Supervising Licensee changes, the successor Primary Supervising Licensee shall complete and file with the Board a new checklist within 90 days following the change in Primary Supervising Licensee. In completing the checklist, the Primary Supervising Licensee shall provide the following assessment to the Board:

(1) whether the Assistant has completed a Board approved course of study and is currently registered with the Board;

(2) whether the Assistant has completed an employment orientation at all sites where he or she will provide services;

(3) whether the Assistant knows and understands the Board rules governing Assistants;

(4) whether the Primary Supervising Licensee has informed the Assistant of the overall scope of his or her duties and responsibilities as an employee;

(5) whether the Assistant conducts himself or herself in a professional manner with patients, families, caregivers, and staff;

(6) whether the Assistant identifies himself or herself as an Assistant to patients, families, and caregivers;

(7) whether the Assistant wears a name tag at all times that identifies himself or herself as an Assistant;

(8) whether the Assistant provides instructions or explanations of treatment to the patient that are appropriate for the patient's age, developmental level, language use, communication disorder, and level of understanding;

(9) whether the Assistant has been instructed in the proper administration of the screening instruments or tests and accurately administers these screening instruments;

(10) whether the Assistant accurately scores and reports the results of screening tests to the Primary Supervising Licensee;

(11) whether the Assistant prepares treatment or screening materials before the beginning of each treatment or screening session, as directed by the Primary Supervising Licensee, assuring that such materials are appropriate for the patient's age, developmental level, language use, communication disorder, and level of understanding;

(12) whether the Assistant starts and ends treatment sessions on time and follows the written treatment protocol developed and prescribed by the Primary Supervising Licensee;

(13) whether the Assistant utilizes universal precautions and adheres to the infection control procedures and guidelines of the employers; and

(14) whether the Assistant uses procedures for the physical management of patients/clients and injury prevention strategies consistent with the employer's policies and with state regulation.

History Note: Authority G.S. 90-298.1; 90-301A; 90-304(a)(1); 90-304(a)(3);
Eff. July 1, 1998;
Amended Eff. December 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. Pending Legislative Review.

This Section contains information for the meeting of the Rules Review Commission on September 29, 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	**Appointed by House**
Bill Nelson (2nd Vice-Chair)	Jake Parker (Chair)
Jeanette Doran	Paul Powell (1st Vice-Chair)
John Hahn	Wayne R. Boyles, III
Jeff Hyde	Wesley B. Jones
Wyatt Dixon, III	Randy Overton

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935
Meghan E. Barney	984-236-1925

RULES REVIEW COMMISSION MEETING DATES

November 24, 2026	January 28, 2027
December 17, 2026	February 25, 2027

RULES REVIEW COMMISSION MEETING
MINUTES
September 29, 2026

The Rules Review Commission met on Tuesday, September 29, 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 Boyles, III, Wyatt Dixon, III, Jeanette Doran, Wesley Jones, John Hahn, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff members Alexander Burgos, Commission Counsel Seth Ascher, Meghan Barney, Travis Wiggs, 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.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the August 27, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Child Care Commission

10A NCAC 09 .2102 - The agency is considering the Commission's objection from the August meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Medical Care Commission

10A NCAC 13L .0101, .0201, .0202, .0203, .0204, .0301, .0302, .0303; 13M .0101, .0201; 13O .0101, .0102, .0201, .0202, and .0301 were unanimously approved.

Medical Care Commission/ Department of Health and Human Services
10A NCAC 14A .0101, .0103, .0301, .0302, and .0303 were unanimously approved.

HHS - Division of Health Service Regulation
10A NCAC 14E .0101, .0106, .0107, .0109, and .0111 were unanimously approved.

Radiation Protection Commission
10A NCAC 15 .0103, .0104, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0211, .0212, .0214, .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0313, .1203, .1301, .1601, and .1701 were unanimously approved.

Commission for Public Health
10A NCAC 41C .1002, .1003, .1004, and .1005 were unanimously approved.

Criminal Justice Education and Training Standards Commission
12 NCAC 09A .0101, .0102, .0103, .0106, .0107, .0201, .0202, .0203, .0204, .0205, .0207; 09B .0103, .0104, .0105, .0106, .0111, .0202, .0212, .0215, .0238, .0242, .0304, .0308, .0408, .0409, .0414; 09C .0303, .0308, .0601, .0607; 09G .0303, .0304; 09I .0108, .0109, and .0110 were unanimously approved**.**

Security Systems Licensing Board
14B NCAC .0101 and .0504 were unanimously approved.

Board of Chiropractic Examiners
21 NCAC 10 .0203 was unanimously approved.

Board of Licensed Clinical Mental Health Counselors
The Commission voted to extend the period of review for 21 NCAC 53 .0312 at the request of the agency.

Board Of Examiners for Speech and Language Pathologists and Audiologists
21 NCAC 64 .1003 was unanimously approved.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 21 NCAC 64 .1003.

LOG OF FILINGS (TEMPORARY RULES)
Medical Care Commission
10A NCAC 13E .0302, .0303, .0308, .0309, and .0403 were unanimously approved.

10A NCAC 13E .0305, .0306, .0312, .0316, .0317, .0318, and .0601 were withdrawn at the request of the agency.

EXISTING RULES REVIEW
Department of Natural and Cultural Resources
07 NCAC 13A, 13B, 13C, 13D, 13F, 13G, 13I, 13K - The Commission unanimously approved the reports as submitted by the agency.

Commission for Public Health
10A NCAC 41A, 41B, 41D, 41F, 41G, 42, 44 - The Commission unanimously approved the reports as submitted by the agency.

Commission for Public Health
10A NCAC 43D - The Commission unanimously approved the report as submitted by the agency.

Home Inspector Licensure Board
11 NCAC 08 .1000 - .1300 - The Commission unanimously approved the report as submitted by the agency.

Department of Justice - Company and Campus Police Program
12 NCAC 02I, J - The Commission unanimously approved the report as submitted by the agency.

Justice Academy
12 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

Board of Examiners for Speech-Language Pathologists and Audiologists
21 NCAC 64 - The Commission unanimously approved the report as submitted by the agency.

READOPTIONS
Social Services Commission
10 NCAC 70I, K – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Boxing and Combat Sports Commission
14B NCAC 10 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than June 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Board of Dietetics/Nutrition
21 NCAC 17 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

Board of Pharmacy
21 NCAC 46 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS
Election of Commission Officers
Upon a motion by Commissioner Powell and seconded by Commissioner Overton, the Commission nominated and unanimously voted to elect Commissioner Jake Parker to another term as Chair.

Upon a motion by Commissioner Doran and seconded by Commissioner Overton, the Commission nominated and unanimously voted to waive Article 5(b) of the RRC Bylaws requiring that the Chair and 1st Vice-Chair be appointed from different chambers of the General Assembly and to elect Commissioner Paul Powell to another term as 1st Vice-Chair.

Upon a motion by Commissioner Doran and seconded by Commissioner Powell, the Commission nominated and unanimously voted to elect Commissioner Bill Nelson to another term as 2nd Vice-Chair.

The Chair gave a brief update on the CJETS v. RRC litigation.

At 10:26 a.m., upon a motion by the Chair and seconded by Commissioner Doran, the Commission voted to call the public meeting of the Rules Review Commission to enter into closed session pursuant to G.S. 143-318.11(a)(1) to review and approve the general account of the October 2025 closed session, which may be withheld from public inspection pursuant to G.S. 143-318.10(e), and pursuant to G.S. 143-318.11(a)(3) to consult with counsel regarding CRC v. RRC and CJETS v. RRC.

At 11:39 a.m., the Commission reconvened its open session of the public meeting of the Rules Review Commission after concluding the closed session.

The meeting adjourned at 11:39 a.m.

The next regularly scheduled meeting of the Commission is Thursday, October 29, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jake Parker, Chair

September 29, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Helen Landi	~~DOT~~/NTB
Catherine Lee	NCBOESLPA & NCBOCE
Devon Collins	NC DHHS, DPH
Ann Wall	SOS
Emily Wiley	NCDOT
Denise Cloninger	RPS
Rebeat Mesfin	NC-RPS
Louis Braxton	RPS
Ed Norman	DHHS/DPH
Meghan Lock	DOJ / CJ Commission
Shannah Black	DHSR
Holly Cardoza	DOJ/CJ Commission
Kyle Heuser	OSFM
C. Denise Brown	NCBOESLPA
Joy Strickland	DOJ
Tonya Albright	DHHS/DHSR/RPS
Jeff Mann	SSLRB

Rules Review Commission Meeting September 29, 2026 Via Webex

Name	Agency
Andrew Moser	dhhs.nc.gov
Kal Smith	dhhs.nc.gov
Christina Young	dhhs.nc.gov
William Casola	ncwildlife.gov
Nancy Hunter	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Laura Rowe	nctreasurer.com
Katherine Quinlan	deq.nc.gov
Jon Fowlkes	dhhs.nc.gov
Alisha Benjamin	ncdoi.gov
Jonathan Avery	dncr.nc.gov
Anna Hayworth	ncagr.gov
Julie Eddins	oah.nc.gov
Regina Kissinger	yahoo.com
Essence Motley	dhhs.nc.gov
Marilyn Smalls	abc.nc.gov
Beth Leonard McKay	hntb.com
Tamara Sylvester	dhhs.nc.gov
Christopher Barney	me.com
Elly Young	ncdoj.gov
Whitney Waldenberg	brockrlawfirm.com
Larry Ascher	gmail.com
Tara Parpart	abc.nc.gov
Sylvester, Tamara M	dhhs.nc.gov
Essence Motley	dhhs.nc.gov
MJones	ncbdn.org
Cannon Lane, NCDOJ	ncdoj.gov
Tameka Riggsbee	dhhs.nc.gov
Shara Telega	dhhs.nc.gov
Raj.Premakumar@dhhs.nc.gov	dhhs.nc.gov
Shanah Black	dhhs.nc.gov
Hope Ascher	gmail.com
Ken Schuesselin	bcbsnc.com
Elizabeth Pope	ncswboard.gov
melanie.napier@dhhs.nc.gov	dhhs.nc.gov
Greta Hill	dhhs.nc.gov
Shalisa Jones	dhhs.nc.gov
Tia Pulikal	roboro.ai
Renee Metz	abc.nc.gov
Clint Pinyan, NCBOP	brookspierce.com

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Essence Motley, Social Services Commission
Sent via email only to: essence.motley@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 70I, K

Dear Ms. Motley,

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 September 29, 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
10 NCAC 70I, K	March 1, 2029

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
March 26, 2026
APO Review: May 27, 2026
Social Services Commission
Total: 58

RRC Determination: Necessary

10A	NCAC 70I	.0101	Necessary
10A	NCAC 70I	.0102	Necessary
10A	NCAC 70I	.0201	Necessary
10A	NCAC 70I	.0202	Necessary
10A	NCAC 70I	.0203	Necessary
10A	NCAC 70I	.0204	Necessary
10A	NCAC 70I	.0301	Necessary
10A	NCAC 70I	.0302	Necessary
10A	NCAC 70I	.0303	Necessary
10A	NCAC 70I	.0305	Necessary
10A	NCAC 70I	.0306	Necessary
10A	NCAC 70I	.0307	Necessary
10A	NCAC 70I	.0308	Necessary
10A	NCAC 70I	.0401	Necessary
10A	NCAC 70I	.0402	Necessary
10A	NCAC 70I	.0403	Necessary
10A	NCAC 70I	.0404	Necessary
10A	NCAC 70I	.0405	Necessary
10A	NCAC 70I	.0406	Necessary
10A	NCAC 70I	.0407	Necessary
10A	NCAC 70I	.0501	Necessary
10A	NCAC 70I	.0502	Necessary
10A	NCAC 70I	.0503	Necessary
10A	NCAC 70I	.0504	Necessary
10A	NCAC 70I	.0505	Necessary
10A	NCAC 70I	.0506	Necessary
10A	NCAC 70I	.0601	Necessary
10A	NCAC 70I	.0602	Necessary
10A	NCAC 70I	.0604	Necessary
10A	NCAC 70I	.0605	Necessary
10A	NCAC 70I	.0606	Necessary
10A	NCAC 70I	.0607	Necessary
10A	NCAC 70I	.0608	Necessary
10A	NCAC 70I	.0609	Necessary
10A	NCAC 70I	.0610	Necessary
10A	NCAC 70I	.0611	Necessary
10A	NCAC 70I	.0612	Necessary
10A	NCAC 70I	.0613	Necessary
10A	NCAC 70I	.0614	Necessary
10A	NCAC 70I	.0615	Necessary
10A	NCAC 70I	.0901	Necessary
10A	NCAC 70I	.0902	Necessary
10A	NCAC 70I	.0903	Necessary
10A	NCAC 70I	.0904	Necessary
10A	NCAC 70I	.0905	Necessary
10A	NCAC 70I	.0906	Necessary
10A	NCAC 70I	.0907	Necessary
10A	NCAC 70I	.0908	Necessary
10A	NCAC 70I	.0909	Necessary
10A	NCAC 70I	.0910	Necessary
10A	NCAC 70I	.0911	Necessary
10A	NCAC 70I	.0912	Necessary
10A	NCAC 70I	.0913	Necessary
10A	NCAC 70I	.0914	Necessary
10A	NCAC 70I	.0915	Necessary
10A	NCAC 70I	.0916	Necessary
10A	NCAC 70I	.0917	Necessary
10A	NCAC 70I	.0918	Necessary

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Essence Motley, Social Services Commission
Sent via email only to: essence.motley@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 70I, K

Dear Ms. Motley,

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 September 29, 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
10 NCAC 70I, K	March 1, 2029

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
March 26, 2026
APO Review: May 27, 2026
Social Services Commission
Total: 58

RRC Determination: Necessary

10A	NCAC 70I	.0101	Necessary
10A	NCAC 70I	.0102	Necessary
10A	NCAC 70I	.0201	Necessary
10A	NCAC 70I	.0202	Necessary
10A	NCAC 70I	.0203	Necessary
10A	NCAC 70I	.0204	Necessary
10A	NCAC 70I	.0301	Necessary
10A	NCAC 70I	.0302	Necessary
10A	NCAC 70I	.0303	Necessary
10A	NCAC 70I	.0305	Necessary
10A	NCAC 70I	.0306	Necessary
10A	NCAC 70I	.0307	Necessary
10A	NCAC 70I	.0308	Necessary
10A	NCAC 70I	.0401	Necessary
10A	NCAC 70I	.0402	Necessary
10A	NCAC 70I	.0403	Necessary
10A	NCAC 70I	.0404	Necessary
10A	NCAC 70I	.0405	Necessary
10A	NCAC 70I	.0406	Necessary
10A	NCAC 70I	.0407	Necessary
10A	NCAC 70I	.0501	Necessary
10A	NCAC 70I	.0502	Necessary
10A	NCAC 70I	.0503	Necessary
10A	NCAC 70I	.0504	Necessary
10A	NCAC 70I	.0505	Necessary
10A	NCAC 70I	.0506	Necessary
10A	NCAC 70I	.0601	Necessary
10A	NCAC 70I	.0602	Necessary
10A	NCAC 70I	.0604	Necessary
10A	NCAC 70I	.0605	Necessary
10A	NCAC 70I	.0606	Necessary
10A	NCAC 70I	.0607	Necessary
10A	NCAC 70I	.0608	Necessary
10A	NCAC 70I	.0609	Necessary
10A	NCAC 70I	.0610	Necessary
10A	NCAC 70I	.0611	Necessary
10A	NCAC 70I	.0612	Necessary
10A	NCAC 70I	.0613	Necessary
10A	NCAC 70I	.0614	Necessary
10A	NCAC 70I	.0615	Necessary
10A	NCAC 70I	.0901	Necessary
10A	NCAC 70I	.0902	Necessary
10A	NCAC 70I	.0903	Necessary
10A	NCAC 70I	.0904	Necessary
10A	NCAC 70I	.0905	Necessary
10A	NCAC 70I	.0906	Necessary
10A	NCAC 70I	.0907	Necessary
10A	NCAC 70I	.0908	Necessary
10A	NCAC 70I	.0909	Necessary
10A	NCAC 70I	.0910	Necessary
10A	NCAC 70I	.0911	Necessary
10A	NCAC 70I	.0912	Necessary
10A	NCAC 70I	.0913	Necessary
10A	NCAC 70I	.0914	Necessary
10A	NCAC 70I	.0915	Necessary
10A	NCAC 70I	.0916	Necessary
10A	NCAC 70I	.0917	Necessary
10A	NCAC 70I	.0918	Necessary

Generated 6/12/2026 at 11:31 AM
RRC Determination
Periodic Rule Review
March 26, 2026
APO Review: May 27, 2026
DHHS - Social Services Commission
Total: 29

RRC Determination:

10A	NCAC 70K	.0101	Necessary
10A	NCAC 70K	.0102	Necessary
10A	NCAC 70K	.0103	Necessary
10A	NCAC 70K	.0201	Necessary
10A	NCAC 70K	.0202	Necessary
10A	NCAC 70K	.0203	Necessary
10A	NCAC 70K	.0204	Necessary
10A	NCAC 70K	.0206	Necessary
10A	NCAC 70K	.0207	Necessary
10A	NCAC 70K	.0208	Necessary
10A	NCAC 70K	.0209	Necessary
10A	NCAC 70K	.0301	Necessary
10A	NCAC 70K	.0302	Necessary
10A	NCAC 70K	.0303	Necessary
10A	NCAC 70K	.0304	Necessary
10A	NCAC 70K	.0305	Necessary
10A	NCAC 70K	.0306	Necessary
10A	NCAC 70K	.0307	Necessary
10A	NCAC 70K	.0308	Necessary
10A	NCAC 70K	.0309	Necessary
10A	NCAC 70K	.0310	Necessary
10A	NCAC 70K	.0311	Necessary
10A	NCAC 70K	.0312	Necessary
10A	NCAC 70K	.0313	Necessary
10A	NCAC 70K	.0314	Necessary
10A	NCAC 70K	.0315	Necessary
10A	NCAC 70K	.0316	Necessary
10A	NCAC 70K	.0317	Necessary
10A	NCAC 70K	.0318	Necessary

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Essence Motley, Social Services Commission
Sent via email only to: essence.motley@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 70I, K

Dear Ms. Motley,

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 September 29, 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
10 NCAC 70I, K	March 1, 2029

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

Generated 6/12/2026 at 11:31 AM
RRC Determination
Periodic Rule Review
March 26, 2026
APO Review: May 27, 2026
DHHS - Social Services Commission
Total: 29

RRC Determination:

10A	NCAC 70K	.0101	Necessary
10A	NCAC 70K	.0102	Necessary
10A	NCAC 70K	.0103	Necessary
10A	NCAC 70K	.0201	Necessary
10A	NCAC 70K	.0202	Necessary
10A	NCAC 70K	.0203	Necessary
10A	NCAC 70K	.0204	Necessary
10A	NCAC 70K	.0206	Necessary
10A	NCAC 70K	.0207	Necessary
10A	NCAC 70K	.0208	Necessary
10A	NCAC 70K	.0209	Necessary
10A	NCAC 70K	.0301	Necessary
10A	NCAC 70K	.0302	Necessary
10A	NCAC 70K	.0303	Necessary
10A	NCAC 70K	.0304	Necessary
10A	NCAC 70K	.0305	Necessary
10A	NCAC 70K	.0306	Necessary
10A	NCAC 70K	.0307	Necessary
10A	NCAC 70K	.0308	Necessary
10A	NCAC 70K	.0309	Necessary
10A	NCAC 70K	.0310	Necessary
10A	NCAC 70K	.0311	Necessary
10A	NCAC 70K	.0312	Necessary
10A	NCAC 70K	.0313	Necessary
10A	NCAC 70K	.0314	Necessary
10A	NCAC 70K	.0315	Necessary
10A	NCAC 70K	.0316	Necessary
10A	NCAC 70K	.0317	Necessary
10A	NCAC 70K	.0318	Necessary

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Alvin Coley, Boxing and Combat Sports Commission
Sent via email only to: alvin.coley@ncdps.gov

Re: Readoption deadline for 14B NCAC 10

Dear Mr. Coley,

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 September 29, 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
14B NCAC 10	June 1, 2030

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
March 26, 2026
APO Review: May 27, 2026
Boxing and Combat Sports Commission
Total: 39

Rule	Determination		
14B	NCAC 10	.0101	Necessary
14B	NCAC 10	.0102	Necessary
14B	NCAC 10	.0103	Necessary
14B	NCAC 10	.0201	Necessary
14B	NCAC 10	.0301	Necessary
14B	NCAC 10	.0401	Necessary
14B	NCAC 10	.0402	Necessary
14B	NCAC 10	.0403	Necessary
14B	NCAC 10	.0404	Necessary
14B	NCAC 10	.0405	Necessary
14B	NCAC 10	.0406	Necessary
14B	NCAC 10	.0407	Necessary
14B	NCAC 10	.0408	Necessary
14B	NCAC 10	.0409	Necessary
14B	NCAC 10	.0410	Necessary
14B	NCAC 10	.0411	Necessary
14B	NCAC 10	.0412	Necessary
14B	NCAC 10	.0413	Necessary
14B	NCAC 10	.0501	Necessary
14B	NCAC 10	.0502	Necessary
14B	NCAC 10	.0503	Necessary
14B	NCAC 10	.0504	Necessary
14B	NCAC 10	.0601	Necessary
14B	NCAC 10	.0602	Necessary
14B	NCAC 10	.0603	Necessary
14B	NCAC 10	.0604	Necessary
14B	NCAC 10	.0605	Necessary
14B	NCAC 10	.0701	Necessary
14B	NCAC 10	.0801	Necessary
14B	NCAC 10	.0802	Necessary
14B	NCAC 10	.0803	Necessary
14B	NCAC 10	.0804	Necessary
14B	NCAC 10	.0805	Necessary
14B	NCAC 10	.0806	Necessary
14B	NCAC 10	.0807	Necessary
14B	NCAC 10	.0808	Necessary
14B	NCAC 10	.0809	Necessary
14B	NCAC 10	.0810	Necessary
14B	NCAC 10	.0811	Necessary

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Marnie Jones, Board of Dietetics and Nutrition
Sent via email only to: director@ncbdn.org

Re: Readoption deadline for 21 NCAC 17

Dear Ms. Jones,

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 September 29, 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
21 NCAC 17	December 1, 2027

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
March 26, 2026
APO Review: May 27, 2026
Dietetics/Nutrition, Board of
Total: 39

RRC Determination:

21	NCAC 17	.0101	Necessary
21	NCAC 17	.0103	Necessary
21	NCAC 17	.0104	Necessary
21	NCAC 17	.0105	Necessary
21	NCAC 17	.0107	Necessary
21	NCAC 17	.0108	Necessary
21	NCAC 17	.0109	Necessary
21	NCAC 17	.0110	Necessary
21	NCAC 17	.0111	Necessary
21	NCAC 17	.0112	Necessary
21	NCAC 17	.0113	Necessary
21	NCAC 17	.0114	Necessary
21	NCAC 17	.0117	Necessary
21	NCAC 17	.0118	Necessary
21	NCAC 17	.0119	Necessary
21	NCAC 17	.0120	Necessary
21	NCAC 17	.0121	Necessary
21	NCAC 17	.0302	Necessary
21	NCAC 17	.0304	Necessary
21	NCAC 17	.0401	Necessary
21	NCAC 17	.0402	Necessary
21	NCAC 17	.0403	Necessary
21	NCAC 17	.0501	Necessary
21	NCAC 17	.0502	Necessary
21	NCAC 17	.0503	Necessary
21	NCAC 17	.0504	Necessary
21	NCAC 17	.0505	Necessary
21	NCAC 17	.0506	Necessary
21	NCAC 17	.0507	Necessary
21	NCAC 17	.0508	Necessary
21	NCAC 17	.0509	Necessary
21	NCAC 17	.0510	Necessary
21	NCAC 17	.0511	Necessary
21	NCAC 17	.0512	Necessary
21	NCAC 17	.0513	Necessary
21	NCAC 17	.0514	Necessary
21	NCAC 17	.0515	Necessary
21	NCAC 17	.0516	Necessary
21	NCAC 17	.0517	Necessary

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

September 29, 2026

Clint Pinyan
Sent via email to: cpinyan@brookspierce.com
Re: Readoption deadline for 21 NCAC 46

Dear Mr. Pinyan:

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 September 29, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later **May 1, 2031**.

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
May 28, 2026
APO Review: July 29, 2026
Pharmacy, Board of
Total: 132

RRC Determination:

21	NCAC 46	.1201	Necessary	21	NCAC 46	.1801	Necessary
21	NCAC 46	.1202	Necessary	21	NCAC 46	.1802	Necessary
21	NCAC 46	.1203	Necessary	21	NCAC 46	.1803	Necessary
21	NCAC 46	.1206	Necessary	21	NCAC 46	.1804	Necessary
21	NCAC 46	.1207	Necessary	21	NCAC 46	.1805	Necessary
21	NCAC 46	.1317	Necessary	21	NCAC 46	.1806	Necessary
21	NCAC 46	.1401	Necessary	21	NCAC 46	.1809	Necessary
21	NCAC 46	.1410	Necessary	21	NCAC 46	.1811	Necessary
21	NCAC 46	.1411	Necessary	21	NCAC 46	.1812	Necessary
21	NCAC 46	.1412	Necessary	21	NCAC 46	.1813	Necessary
21	NCAC 46	.1413	Necessary	21	NCAC 46	.1815	Necessary
21	NCAC 46	.1414	Necessary	21	NCAC 46	.1816	Necessary
21	NCAC 46	.1415	Necessary	21	NCAC 46	.1817	Necessary
21	NCAC 46	.1416	Necessary	21	NCAC 46	.1818	Necessary
21	NCAC 46	.1418	Necessary	21	NCAC 46	.1820	Necessary
21	NCAC 46	.1419	Necessary	21	NCAC 46	.1821	Necessary
21	NCAC 46	.1501	Necessary	21	NCAC 46	.1908	Necessary
21	NCAC 46	.1502	Necessary	21	NCAC 46	.1909	Necessary
21	NCAC 46	.1503	Necessary	21	NCAC 46	.2001	Necessary
21	NCAC 46	.1505	Necessary	21	NCAC 46	.2004	Necessary
21	NCAC 46	.1601	Necessary	21	NCAC 46	.2005	Necessary
21	NCAC 46	.1602	Necessary	21	NCAC 46	.2006	Necessary
21	NCAC 46	.1603	Necessary	21	NCAC 46	.2007	Necessary
21	NCAC 46	.1604	Necessary	21	NCAC 46	.2008	Necessary
21	NCAC 46	.1606	Necessary	21	NCAC 46	.2009	Necessary
21	NCAC 46	.1607	Necessary	21	NCAC 46	.2013	Necessary
21	NCAC 46	.1608	Necessary	21	NCAC 46	.2014	Necessary
21	NCAC 46	.1609	Necessary	21	NCAC 46	.2015	Necessary
21	NCAC 46	.1610	Necessary	21	NCAC 46	.2016	Necessary
21	NCAC 46	.1612	Necessary	21	NCAC 46	.2017	Necessary
21	NCAC 46	.1613	Necessary	21	NCAC 46	.2102	Necessary
21	NCAC 46	.1614	Necessary	21	NCAC 46	.2103	Necessary
21	NCAC 46	.1615	Necessary	21	NCAC 46	.2104	Necessary
21	NCAC 46	.1616	Necessary	21	NCAC 46	.2105	Necessary
21	NCAC 46	.1703	Necessary	21	NCAC 46	.2107	Necessary
21	NCAC 46	.1706	Necessary	21	NCAC 46	.2108	Necessary

21	NCAC 46	.2201	Necessary
21	NCAC 46	.2301	Necessary
21	NCAC 46	.2302	Necessary
21	NCAC 46	.2303	Necessary
21	NCAC 46	.2304	Necessary
21	NCAC 46	.2305	Necessary
21	NCAC 46	.2401	Necessary
21	NCAC 46	.2402	Necessary
21	NCAC 46	.2502	Necessary
21	NCAC 46	.2504	Necessary
21	NCAC 46	.2505	Necessary
21	NCAC 46	.2506	Necessary
21	NCAC 46	.2507	Necessary
21	NCAC 46	.2508	Necessary
21	NCAC 46	.2509	Necessary
21	NCAC 46	.2510	Necessary
21	NCAC 46	.2511	Necessary
21	NCAC 46	.2512	Necessary
21	NCAC 46	.2513	Necessary
21	NCAC 46	.2514	Necessary
21	NCAC 46	.2515	Necessary
21	NCAC 46	.2516	Necessary
21	NCAC 46	.2601	Necessary
21	NCAC 46	.2602	Necessary
21	NCAC 46	.2603	Necessary
21	NCAC 46	.2604	Necessary
21	NCAC 46	.2605	Necessary
21	NCAC 46	.2606	Necessary
21	NCAC 46	.2607	Necessary
21	NCAC 46	.2609	Necessary
21	NCAC 46	.2610	Necessary
21	NCAC 46	.2611	Necessary
21	NCAC 46	.2612	Necessary
21	NCAC 46	.2613	Necessary
21	NCAC 46	.2701	Necessary
21	NCAC 46	.2702	Necessary
21	NCAC 46	.2703	Necessary
21	NCAC 46	.2704	Necessary
21	NCAC 46	.2705	Necessary
21	NCAC 46	.2706	Necessary
21	NCAC 46	.2801	Necessary
21	NCAC 46	.2901	Necessary
21	NCAC 46	.3001	Necessary
21	NCAC 46	.3101	Necessary
21	NCAC 46	.3201	Necessary
21	NCAC 46	.3202	Necessary
21	NCAC 46	.3203	Necessary
21	NCAC 46	.3204	Necessary
21	NCAC 46	.3205	Necessary
21	NCAC 46	.3206	Necessary
21	NCAC 46	.3207	Necessary
21	NCAC 46	.3208	Necessary
21	NCAC 46	.3209	Necessary
21	NCAC 46	.3210	Necessary
21	NCAC 46	.3211	Necessary
21	NCAC 46	.3301	Necessary
21	NCAC 46	.3401	Necessary
21	NCAC 46	.3402	Necessary
21	NCAC 46	.3404	Necessary
21	NCAC 46	.3501	Necessary

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September 29, 2026 Meeting

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The following rules are subject legislative review:

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