

NORTH CAROLINA REGISTER

VOLUME 31 • ISSUE 02 • Pages 110 - 134

July 15, 2016

I. PROPOSED RULES	
Insurance, Department of Department.....	110 – 112
II. TEMPORARY RULES	
Environmental Quality, Department of Public Health, Commission for.....	115 – 117
Health and Human Services, Department of Public Health, Commission for.....	113 – 115
III. RULES REVIEW COMMISSION	118 – 133
IV. CONTESTED CASE DECISIONS	
Index to ALJ Decisions.....	134

PUBLISHED BY
*The Office of Administrative
Hearings
Rules Division
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone (919) 431-3000
Fax (919) 431-3104*

*Julian Mann III, Director
Molly Masich, Codifier of Rules
Dana Vojtko, Publications
Coordinator
Lindsay Woy, Editorial
Assistant
Kelly Bailey, Editorial Assistant*

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Molly Masich, Codifier of Rules

molly.masich@oah.nc.gov

(919) 431-3071

Dana Vojtko, Publications Coordinator

dana.vojtko@oah.nc.gov

(919) 431-3075

Lindsay Woy, Editorial Assistant

lindsay.woy@oah.nc.gov

(919) 431-3078

Kelly Bailey, Editorial Assistant

kelly.bailey@oah.nc.gov

(919) 431-3083

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Abigail Hammond, Commission Counsel

abigail.hammond@oah.nc.gov

(919) 431-3076

Amber Cronk May, Commission Counsel

amber.may@oah.nc.gov

(919) 431-3074

Amanda Reeder, Commission Counsel

amanda.reeder@oah.nc.gov

(919) 431-3079

Jason Thomas, Commission Counsel

jason.thomas@oah.nc.gov

(919) 431-3081

Alexander Burgos, Paralegal

alexander.burgos@oah.nc.gov

(919) 431-3080

Julie Brincefield, Administrative Assistant

julie.brincefield@oah.nc.gov

(919) 431-3073

Fiscal Notes & Economic Analysis and Governor's Review

Office of State Budget and Management

116 West Jones Street

(919) 807-4700

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

Contact: Anca Grozav, Economic Analyst

osbmruleanalysis@osbm.nc.gov

(919)807-4740

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

(919) 715-4000

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Sarah Collins

scollins@nclm.org

Legislative Process Concerning Rule-making

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

Karen Cochrane-Brown, Director/Legislative Analysis Division

karen.cochrane-brown@ncleg.net

Jeff Hudson, Staff Attorney

Jeffrey.hudson@ncleg.net

NORTH CAROLINA REGISTER
 Publication Schedule for January 2016 – December 2016

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
30:13	01/04/16	12/08/15	01/19/16	03/04/16	03/21/16	05/01/16	01/2017	09/30/16
30:14	01/15/16	12/21/15	01/30/16	03/15/16	03/21/16	05/01/16	01/2017	10/11/16
30:15	02/01/16	01/08/16	02/16/16	04/01/16	04/20/16	06/01/16	01/2017	10/28/16
30:16	02/15/16	01/25/16	03/01/16	04/15/16	04/20/16	06/01/16	01/2017	11/11/16
30:17	03/01/16	02/09/16	03/16/16	05/02/16	05/20/16	07/01/16	01/2017	11/26/16
30:18	03/15/16	02/23/16	03/30/16	05/16/16	05/20/16	07/01/16	01/2017	12/10/16
30:19	04/01/16	03/10/16	04/16/16	05/31/16	06/20/16	08/01/16	01/2017	12/27/16
30:20	04/15/16	03/24/16	04/30/16	06/14/16	06/20/16	08/01/16	01/2017	01/10/17
30:21	05/02/16	04/11/16	05/17/16	07/01/16	07/20/16	09/01/16	01/2017	01/27/17
30:22	05/16/16	04/25/16	05/31/16	07/15/16	07/20/16	09/01/16	01/2017	02/10/17
30:23	06/01/16	05/10/16	06/16/16	08/01/16	08/22/16	10/01/16	01/2017	02/26/17
30:24	06/15/16	05/24/16	06/30/16	08/15/16	08/22/16	10/01/16	01/2017	03/12/17
31:01	07/01/16	06/10/16	07/16/16	08/30/16	09/20/16	11/01/16	01/2017	03/28/17
31:02	07/15/16	06/23/16	07/30/16	09/13/16	09/20/16	11/01/16	01/2017	04/11/17
31:03	08/01/16	07/11/16	08/16/16	09/30/16	10/20/16	12/01/16	01/2017	04/28/17
31:04	08/15/16	07/25/16	08/30/16	10/14/16	10/20/16	12/01/16	01/2017	05/12/17
31:05	09/01/16	08/11/16	09/16/16	10/31/16	11/21/16	01/01/17	01/2017	05/29/17
31:06	09/15/16	08/24/16	09/30/16	11/14/16	11/21/16	01/01/17	01/2017	06/12/17
31:07	10/03/16	09/12/16	10/18/16	12/02/16	12/20/16	02/01/17	05/2018	06/30/17
31:08	10/17/16	09/26/16	11/01/16	12/16/16	12/20/16	02/01/17	05/2018	07/14/17
31:09	11/01/16	10/11/16	11/16/16	01/03/17	01/20/17	03/01/17	05/2018	07/29/17
31:10	11/15/16	10/24/16	11/30/16	01/17/17	01/20/17	03/01/17	05/2018	08/12/17
31:11	12/01/16	11/07/16	12/16/16	01/30/17	02/20/17	04/01/17	05/2018	08/28/17
31:12	12/15/16	11/22/16	12/30/16	02/13/17	02/20/17	04/01/17	05/2018	09/11/17

This publication is printed on permanent, acid-free paper in compliance with G.S. 125-11.13

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules

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

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to amend the rules cited as 11 NCAC 06A .0809 and 08 .0904.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncdoi.com/>

Proposed Effective Date: November 1, 2016

Public Hearing:

Date: August 4, 2016
Time: 10:00 a.m.

Location: Jim Long Hearing Room (Room 3099) on the third floor of the Dobs Building located at 430 N. Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action:

11 NCAC 06A .0809 – This Rule is being amended so North Carolina Continuing Education rules will conform with accepted industry standards for several nationally recognized insurance designation courses also creating better uniformity to Continuing Education credits awarded allowing out-of-state licensees to attend Continuing Education classes in North Carolina and receive appropriate credits for those classes.

11 NCAC 08 .0904 – This Rule is being amended to reflect changes made in S.L. 2015-286(G.S 143-143.10A).

Comments may be submitted to: Loretta Peace-Bunch, NC Department of Insurance, 1201 Mail Service Center, Raleigh, NC 27699-1201, phone (919)807-6004

Comment period ends: September 13, 2016

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

CHAPTER 06 – AGENT SERVICES DIVISION

SUBCHAPTER 06A – AGENT SERVICES DIVISION

SECTION .0800 – CONTINUING EDUCATION

11 NCAC 06A .0809 APPROVAL OF COURSES

(a) All providers of courses specifically approved under Rule .0803 of this Section shall pay the fee prescribed in G.S. 58-33-133(b) and shall provide to the Commissioner or Administrator copies of:

- (1) program catalogs;
- (2) course outlines; and
- (3) advertising literature.

(b) All providers of courses not specifically approved under Rule .0803 of this Section shall do the following:

- (1) Any individual, school, insurance company, insurance industry association, or other organization intending to provide classes, seminars, or other forms of instruction as approved courses shall:
 - (A) apply on forms provided by the Commissioner or Administrator, located on the N.C.
 - (B) Department of Insurance's website at http://www.ncdoi.com/ASD/ASD_C_E_Ins_Providers.aspx;
 - (C) pay the fee prescribed in G.S. 58-33-133(b);
 - (D) provide outlines of the subject matter to be covered; and
 - (E) provide copies of handouts to be given.

- (2) All providers of supervised individual study programs shall file copies of:
 - (A) the study programs;
 - (B) the examination; and
 - (C) the Internet course security procedures.

(c) The Commissioner shall indicate the number of ICECs that have been assigned to the approved course.

(d) If a course is not approved or disapproved by the Commissioner or his designee within 60 days after receipt of all required information, the course is deemed to be approved at the end of the 60-day period.

(e) If a course approval application is denied by the Commissioner or his designee, a written explanation of the reason for denial shall be furnished to the provider.

- (f) Course approval applications shall include the following:
- (1) a statement indicating for whom the course is designed;
 - (2) the course objectives;
 - (3) the names and duties of all persons who will be affiliated in an official capacity with the course;
 - (4) the course provider's tuition and fee refund policy;
 - (5) an outline that shall include:
 - (A) a statement of whether there will be a written examination, a written report, or a certification of attendance only;
 - (B) the method of presentation;
 - (C) a course content outline with instruction hours assigned to the major topics; and
 - (D) the schedule of dates, beginning and ending times, and places the course will be offered, along with the names of instructors for each course session, submitted at least 30 days before any subsequent course offerings.
 - (6) a copy of the course completion certificate;
 - (7) a course rating form;
 - (8) a course bibliography; and
 - (9) an electronic copy of the course content and course examination for Internet courses.

(g) A provider may request that its materials be kept confidential if they are of a proprietary nature.

~~(h) Courses awarded more than eight ICECs shall have an examination in order for the licensee to get full credit.~~

~~(h)~~ (h) A provider may request an exemption to the examination requirement in Paragraph (h) of this Rule when filing a long-term care partnership continuing education course of eight hours.

~~(i)~~ (i) A provider shall not cancel a course unless the provider gives written notification to all students on the roster and to the Commissioner or Administrator at least five days before the date of the course. This Paragraph does not apply to the cancellation of a course or class because of inclement weather.

~~(j)~~ (j) A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15 business days after course completion.

~~(k)~~ (k) An error on the licensee's record that is caused by the provider in submitting the course attendance records shall be resolved by the provider within 15 days after the discovery of the error by the provider.

Authority G.S. 58-2-40; 58-33-130; 58-33-132; 58-33-133.

**CHAPTER 08 – ENGINEERING AND BUILDING CODES
DIVISION**

SECTION .0900 – MANUFACTURED HOUSING BOARD

11 NCAC 08 .0904 FORMS

(a) The application for license as a manufactured housing ~~manufacturer, dealer, and set-up contractor~~ manufacturer and manufactured housing dealer shall include the following:

- (1) The name of the person or business applicant;
- (2) The business address of applicant;
- (3) The state under whose laws the applicant firm or corporation is organized or incorporated;
- (4) A resume' of each owner, partner, or officer of the corporation. Each resume' shall include education and a complete job history, as well as a listing of residences for the last seven years.
- (5) Type of license applied for;
- (6) Signature of the person with authority to legally obligate the applicant;
- (7) A statement that the appropriate bond is attached; and
- (8) A criminal history record check consent form signed by each owner, partner and officer of the corporation, and any other documentation or materials required by G.S. 143-143.10A.

~~(b) The application for license as a manufactured set-up contractor shall include the following:~~

- ~~(1) The name of the person or business applicant;~~
- ~~(2) The business address of applicant;~~
- ~~(3) The state under whose laws the applicant firm or corporation is organized or incorporated;~~
- ~~(4) A resume' of each owner, partner, or officer of the corporation. Each resume' shall include education and a complete job history, as well as a listing of residences for the last seven years.~~
- ~~(5) Type of license applied for;~~
- ~~(6) Signature of the person with authority to legally obligate the applicant;~~
- ~~(7) A statement that the appropriate bond is attached; and~~
- ~~(8) A criminal history record check consent form signed by each owner, partner and officer of the corporation with their initial application, and any other documentation or materials required by G.S. 143-143.10A.~~

~~(c)~~ (c) The application for license as a manufactured housing salesperson shall include the following:

- (1) The name of the applicant;
- (2) The applicant's address;
- (3) The name and business address of the dealer employing the applicant;
- (4) The name and address of previous employers of applicant for the past three years;
- (5) Three personal references;
- (6) A wallet size photograph; and
- (7) A criminal history record check consent form signed by each ~~applicant, applicant with their initial application,~~ and any other documentation or materials required by G.S. 143-143.10A.

PROPOSED RULES

~~(d)~~ Corporate surety bonds shall include the name of the applicant, the name of the surety, the amount of the bond, and the terms of cancellation specified in 11 NCAC 08 .0905.

~~(e)~~ All license forms shall include the name and address of the licensee, the type of license being issued, the date of issuance, the date of expiration, the amount of the license fee, and the terms of the license.

~~(f)~~ All applications for renewal of licenses shall include the name and address of the applicant, the type of license, the date the license expires, the amount of the license renewal fee, and instructions for completion.

(g) A request for cancellation of license shall include the name and address of the licensee, the effective date of the cancellation, the specific reason for the cancellation, and the signature of the person with authority to legally obligate the licensee.

~~(h)~~ Each application form and criminal history record check form required by Paragraphs ~~(a)~~(b) and ~~(b)~~(c) of this Rule may be obtained from the North Carolina Manufactured Housing Board, c/o North Carolina Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202.

Authority G.S. 143-143.10; 143-143.10A; 143-143.11; 143-143.12.

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: *Commission for Public Health*

Rule Citation: *10A NCAC 41A .0101*

Effective Date: *July 1, 2016*

Date Approved by the Rules Review Commission: *June 16, 2016*

Reason for Action: *A Serious and unforeseen threat to the public health, safety, or welfare.*

It is imperative that public health authorities be rapidly notified when this infection is suspected so that appropriate education can be provided and control measures can be implemented to mitigate the risk of local transmission.

Zika virus is an emerging arboviral infection that first spread into the western hemisphere in 2015. Four out of five infected persons remain asymptomatic following infection. The remainder of infected persons experience mild clinical illness (fever, rash, joint pain, or conjunctivitis) that lasts up to one week. There is no treatment or vaccine for this infection.

During the current Zika virus outbreak in Brazil, a marked increase has been reported in the number of infants born with a birth defect known as microcephaly. Other poor pregnancy outcomes, including fetal loss, have also been reported in babies of mothers who were infected with Zika virus while pregnant. However, additional studies are needed to further characterize the relationship of the virus to these outcomes.

An abbreviated public comment period is required to enable the emergency rule to be replaced by a temporary rule without a lapse in reporting while a permanent rule is being pursued. The agency has provided ongoing regular notices, guidance, and updates to the healthcare community regarding these emerging diseases; temporary orders to report were issued, a pending emergency rule notice was sent prior to its adoption, and abbreviated notice of temporary rulemaking has been issued.

CHAPTER 41 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - COMMUNICABLE DISEASE CONTROL

10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- (2) anthrax - immediately;
- (3) botulism - immediately;
- (4) brucellosis - 7 days;
- (5) campylobacter infection - 24 hours;
- (6) chancroid - 24 hours;
- (7) chikungunya virus infection - 24 hours;
- (8) chlamydial infection (laboratory confirmed) - 7 days;
- (9) cholera - 24 hours;
- (10) Creutzfeldt-Jakob disease – 7 days;
- (11) cryptosporidiosis – 24 hours;
- (12) cyclosporiasis – 24 hours;
- (13) dengue - 7 days;
- (14) diphtheria - 24 hours;
- (15) Escherichia coli, shiga toxin-producing - 24 hours;
- (16) ehrlichiosis – 7 days;
- (17) encephalitis, arboviral - 7 days;
- (18) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and unknown causes - 24 hours;
- (19) gonorrhea - 24 hours;
- (20) granuloma inguinale - 24 hours;
- (21) Haemophilus influenzae, invasive disease - 24 hours;
- (22) Hantavirus infection – 7 days;
- (23) Hemolytic-uremic syndrome – 24 hours;
- (24) Hemorrhagic fever virus infection – immediately;
- (25) hepatitis A - 24 hours;
- (26) hepatitis B - 24 hours;
- (27) hepatitis B carriage - 7 days;
- (28) hepatitis C, acute – 7 days;
- (29) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- (30) influenza virus infection causing death – 24 hours;
- (31) legionellosis - 7 days;
- (32) leprosy – 7 days;
- (33) leptospirosis - 7 days;
- (34) listeriosis – 24 hours;
- (35) Lyme disease - 7 days;
- (36) lymphogranuloma venereum - 7 days;

- (37) malaria - 7 days;
- (38) measles (rubeola) - 24 hours;
- (39) meningitis, pneumococcal - 7 days;
- (40) meningococcal disease - 24 hours;
- (41) Middle East respiratory syndrome (MERS) - 24 hours;
- (42) monkeypox – 24 hours;
- (43) mumps - 7 days;
- (44) nongonococcal urethritis - 7 days;
- (45) novel influenza virus infection – immediately;
- (46) plague - immediately;
- (47) paralytic poliomyelitis - 24 hours;
- (48) pelvic inflammatory disease – 7 days;
- (49) psittacosis - 7 days;
- (50) Q fever - 7 days;
- (51) rabies, human - 24 hours;
- (52) Rocky Mountain spotted fever - 7 days;
- (53) rubella - 24 hours;
- (54) rubella congenital syndrome - 7 days;
- (55) salmonellosis - 24 hours;
- (56) severe acute respiratory syndrome (SARS) – 24 hours;
- (57) shigellosis - 24 hours;
- (58) smallpox - immediately;
- (59) *Staphylococcus aureus* with reduced susceptibility to vancomycin – 24 hours;
- (60) streptococcal infection, Group A, invasive disease - 7 days;
- (61) syphilis - 24 hours;
- (62) tetanus - 7 days;
- (63) toxic shock syndrome - 7 days;
- (64) trichinosis - 7 days;
- (65) tuberculosis - 24 hours;
- (66) tularemia – immediately;
- (67) typhoid - 24 hours;
- (68) typhoid carriage (*Salmonella typhi*) - 7 days;
- (69) typhus, epidemic (louse-borne) - 7 days;
- (70) vaccinia – 24 hours;
- (71) vibrio infection (other than cholera) – 24 hours;
- (72) whooping cough – 24 hours; ~~and~~
- (73) yellow fever - 7 ~~days~~; days; and
- (74) Zika virus – 24 hours.

(b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.

(c) In addition to the laboratory reports for *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, and syphilis specified in G.S. 130A-139, laboratories shall report:

- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
 - (A) Any hantavirus or hemorrhagic fever virus.
 - (B) Arthropod-borne virus (any type).
 - (C) *Bacillus anthracis*, the cause of anthrax.
 - (D) *Bordetella pertussis*, the cause of whooping cough (pertussis).
 - (E) *Borrelia burgdorferi*, the cause of Lyme disease (confirmed tests).
 - (F) *Brucella* spp., the causes of brucellosis.
 - (G) *Campylobacter* spp., the causes of campylobacteriosis.
 - (H) *Chlamydia trachomatis*, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
 - (I) *Clostridium botulinum*, a cause of botulism.
 - (J) *Clostridium tetani*, the cause of tetanus.
 - (K) *Corynebacterium diphtheriae*, the cause of diphtheria.
 - (L) *Coxiella burnetii*, the cause of Q fever.
 - (M) *Cryptosporidium parvum*, the cause of human cryptosporidiosis.
 - (N) *Cyclospora cayentanesis*, the cause of cyclosporiasis.
 - (O) *Ehrlichia* spp., the causes of ehrlichiosis.
 - (P) Shiga toxin-producing *Escherichia coli*, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.
 - (Q) *Francisella tularensis*, the cause of tularemia.
 - (R) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
 - (S) Human Immunodeficiency Virus, the cause of AIDS.
 - (T) *Legionella* spp., the causes of legionellosis.
 - (U) *Leptospira* spp., the causes of leptospirosis.
 - (V) *Listeria monocytogenes*, the cause of listeriosis.
 - (W) Middle East respiratory syndrome virus.
 - (X) Monkeypox.
 - (Y) *Mycobacterium leprae*, the cause of leprosy.
 - (Z) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.

- (AA) Poliovirus (any), the cause of poliomyelitis.
- (BB) Rabies virus.
- (CC) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.
- (DD) Rubella virus.
- (EE) Salmonella spp., the causes of salmonellosis.
- (FF) Shigella spp., the causes of shigellosis.
- (GG) Smallpox virus, the cause of smallpox.
- (HH) Staphylococcus aureus with reduced susceptibility to vanomycin.
- (II) Trichinella spiralis, the cause of trichinosis.
- (JJ) Vaccinia virus.
- (KK) Vibrio spp., the causes of cholera and other vibrioses.
- (LL) Yellow fever virus.
- (MM) Yersinia pestis, the cause of plague.
- (2) Isolation or other specific identification of the following organisms from normally sterile human body sites:
 - (A) Group A Streptococcus pyogenes (group A streptococci).
 - (B) Haemophilus influenzae, serotype b.
 - (C) Neisseria meningitidis, the cause of meningococcal disease.
- (3) Positive serologic test results, as specified, for the following infections:
 - (A) Fourfold or greater changes or equivalent changes in serum antibody titers to:
 - (i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.
 - (ii) Any hantavirus or hemorrhagic fever virus.
 - (iii) Chlamydia psittaci, the cause of psittacosis.
 - (iv) Coxiella burnetii, the cause of Q fever.
 - (v) Dengue virus.
 - (vi) Ehrlichia spp., the causes of ehrlichiosis.
 - (vii) Measles (rubeola) virus.
 - (viii) Mumps virus.
 - (ix) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.
 - (x) Rubella virus.
 - (xi) Yellow fever virus.
 - (B) The presence of IgM serum antibodies to:
 - (i) Chlamydia psittaci.
 - (ii) Hepatitis A virus.
 - (iii) Hepatitis B virus core antigen.
 - (iv) Rubella virus.
 - (v) Rubeola (measles) virus.

- (vi) Yellow fever virus.
- (4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.

History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141;
Amended Eff. October 1, 1994; February 1, 1990;
Temporary Amendment Eff. July 1, 1997;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. February 13, 2003; October 1, 2002;
February 18, 2002; June 1, 2001;
Amended Eff. April 1, 2003;
Temporary Amendment Eff. November 1, 2003; May 16, 2003;
Amended Eff. January 1, 2005; April 1, 2004;
Temporary Amendment Eff. June 1, 2006;
Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006;
Temporary Amendment Eff. January 1, 2010;
Temporary Amendment Expired September 11, 2011;
Amended Eff. July 1, 2013;
Temporary Amendment Eff. December 2, 2014;
Amended Eff. October 1, 2015;
Emergency Amendment Eff. March 1, 2016;
Temporary Amendment Eff. July 1, 2016.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Commission for Public Health*

Rule Citation: *15A NCAC 18A .1971*

Effective Date: *July 1, 2016*

Date Approved by the Rules Review Commission: *June 16, 2016*

Reason for Action: *Session Law 2015-286 directs the Commission to adopt temporary rules for an alternate permitting process for on-site wastewater systems. This alternate permitting process allows for the private sector to permit an on-site wastewater system as an option in place of the standard local health department permitting process.*

CHAPTER 18 – ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

15A NCAC 18A .1971 ENGINEERED OPTION PERMIT
 (a) An Engineered Option Permit (EOP) on-site wastewater system, as defined by G.S. 130A-334(1g), is available to an owner that provides an alternative process for the siting, design, construction, ~~approval~~-approval, and operation of the system without requiring the direct oversight or approval of the local

health department. An owner choosing to use the EOP shall employ the services of a registered professional engineer ~~Professional Engineer (PE)~~ licensed pursuant to G.S. 89C to prepare signed and sealed drawings, specifications, ~~plans~~ plans, and reports for the design, construction, ~~operation~~ operation, and maintenance of the wastewater system in accordance with ~~G.S. 130A-336.1, G.S. 130A-336.1~~ and this Rule. Except as provided for in G.S. 130A-336.1 and in this Rule, an EOP system is subject to all applicable requirements of Article 11 of Chapter 130A of the General Statutes and all rules ~~Rules~~ of this Section. Nothing in this Rule shall be construed as allowing any professional to provide services for which he or she has ~~they have~~ neither the educational background, expertise, or license to perform, or which is beyond his or her ~~their~~ scope of work as provided for pursuant to G.S. 130A-336.1 and the applicable statutes for their respective profession.

(b) SITE EVALUATION: Prior to the preparation and submittal of a Notice of Intent to Construct an EOP system, pursuant to G.S. 130A-336.1(b), the owner shall employ a licensed soil scientist ~~Licensed Soil Scientist (LSS)~~ pursuant to G.S. 89F to conduct an evaluation of soil conditions and site features in the proposed initial and repair drainfield areas for the EOP system, pursuant to G.S. 130A-335(a1) and G.S. 130A-336.1(e)(2). The owner shall employ a licensed soil scientist LSS or a licensed geologist ~~Licensed Geologist (LG)~~ pursuant to G.S. 89E to evaluate geologic or hydro-geologic features as may be appropriate for the proposed site. This evaluation and documenting report shall be in accordance with the rules ~~Rules~~ of this Section, and adhere to accepted standards of practice applicable to the type and size of the EOP system.

(c) NOTICE OF INTENT TO CONSTRUCT: The Notice of Intent to Construct an EOP System to be submitted by the owner or a registered professional engineer ~~PE~~ authorized as the legal representative of the owner to the local health department (LHD) in the county where the facility is located shall be on the common form provided by the Department. It shall include all of the information specified in G.S. 130A-336.1(b)(~~1 through 9~~), and ~~include~~ the following:

- (1) Information required in Rules ~~45A-NCAC .1937(d) and .1937(e)~~ ~~45A-NCAC-1937(e)~~ of this Section for Improvement Permit and Construction Authorization applications; ~~respectively.~~
- (2) Identification and location on the site plan of existing or proposed potable water supplies, geothermal heating and cooling wells, groundwater monitoring wells, and sampling wells for the facility. The registered professional engineer ~~PE~~ shall specifically reference any existing permit issued for a private drinking water supply, public water supply, or a wastewater system on both the subject and adjoining properties to provide documentation of compliance with setback requirements in ~~Rule 45A-NCAC 18A-1950 of this Section; Section.~~
- (3) Documentation that the proposed wastewater system complies with all applicable federal, State, and local laws, regulations, rules and

ordinances in accordance with G.S. 130A-336.1(e)(6); G.S. 130A-336.1(e)(6).

(4) Documentation shall be provided that the ownership and control requirements of Rule ~~15A-NCAC 18A .1938(j)~~ of this Section and the requirements for a multi-party agreement in Rule ~~15A-NCAC 18A .1937(h)~~ of this Section shall be met, as ~~applicable; and applicable.~~

(5) ~~Documentation~~ Proof of insurance coverage for the registered professional engineer, PE, licensed soil scientist, LSS, licensed geologist, LG and on-site wastewater contractor, as applicable.

(d) LOCAL HEALTH DEPARTMENT ~~LHD~~ NOTICE OF INTENT COMPLETENESS REVIEW: The completeness review shall be performed by the authorized agent of the local health department ~~LHD~~ pursuant to G.S. 130A-336.1(c). The local health department ~~LHD~~ shall provide written confirmation of the completeness determination on the common form provided by the Department.

(e) DESIGN PLANS AND SPECIFICATIONS: The registered professional engineer ~~PE~~ design, plans ~~plans~~, and specifications for the EOP System shall be in accordance with the Rules ~~rules~~ of this Section ~~Section~~, conditions in system approvals when a system is used that has been approved by the Department or Commission under Rule ~~15A-NCAC 18A .1969~~ of this Section, and ~~in with~~ adherence with to accepted standards of practice applicable to the type and size of the EOP system. The registered professional engineer ~~PE~~ design shall incorporate findings and recommendations on soil and site conditions, limitations ~~limitations~~, and any site modifications recommended ~~specified~~ by the licensed soil scientist ~~LSS~~ or licensed geologist, LG, as applicable. When the registered professional engineer ~~PE~~ chooses ~~chooses~~ to employ pretreatment technologies not yet approved in this State, pursuant to G.S. 130A-336.1(e)(1), the engineering report shall specify ~~identify~~ the proposed technology, and any the associated siting, installation, operation, maintenance ~~maintenance~~, and monitoring requirements, including manufacturers endorsements associated with its proposed use.

(f) CONSTRUCTION OF WASTEWATER SYSTEM: No building permit for construction, location, or relocation shall be issued until after ~~After~~ a decision of completeness of the Notice of Intent is made by the local health department pursuant to G.S. 130A-336.1(c). G.S. 130A-336.1(e), permits for construction of the facility may be issued by the local building code enforcement officials, pursuant to G.S. 130A-338. Construction of the wastewater system shall not commence until the system design, plans, and specifications have been provided to the on-site wastewater system contractor and the signed and dated statement by the contractor is provided to the owner, pursuant to G.S. 130A-336.1(e)(4)(b). The owner is responsible for assuring no modifications or alterations to the site for the wastewater system or the system repair area are made as a result of any construction activities for the facility before or after construction of the wastewater system, unless specifically approved by the design professional engineer, licensed soil ~~scientist~~ scientist, or licensed geologist, as applicable.

(g) POST CONSTRUCTION CONFERENCE: Attendance of the Post-Construction Conference required pursuant G.S. 130A-

336.1(j) by the authorized agent of the local health department LHD and by the Department (for systems designed for the collection, ~~treatment-treatment~~, and disposal of industrial process wastewater or to treat greater than ~~3000~~ 3,000 gallons per day) is for the purpose of observing the location of the system and start-up conditions.

(h) AUTHORIZATION TO OPERATE: Prior to providing written confirmation for Authorization to Operate, the local health department LHD shall receive the following:

- (1) Documentation that all reporting requirements identified in G.S. 130A-336.1(l) have been met;
- (2) Information set forth ~~listed~~ in Rule .1938(h) of this Section;
- (3) System start-up documentation, including applicable baseline operating parameters for all components; ~~and~~
- (4) Documentation by the owner or their legal representative that all necessary legal agreements, including easements, encroachments, multi-party agreements, and other documents have been properly prepared, executed and recorded in accordance with Rule .1937(h) of this Section and Rule .1938(j) of this ~~Section-Section~~; and
- (5) Record drawings.

The local health department LHD shall use the State-approved form for written confirmation.

(i) OPERATION: The owner of the wastewater system approved pursuant to the EOP is responsible for maintaining the wastewater system in accordance with the written operation and management program required in G.S. 130A-336.1(i)(1) and ~~15A-NCAC 18A~~ Rule .1961 of this Section.

- (1) The operation and management program shall identify the system classification in accordance with Table V(a) of Rule .1961 of this Section.
- (2) The ~~management entity Operator~~ operator required pursuant to G.S. 130A-336.1(i)(2) shall inspect the system and submit reports in accordance with Rule .1961(f) of this Section and the written operations and management program provided by the design professional engineer.
- (3) The owner shall notify the local health department LHD and the registered professional engineer PE who designed and certified the system permitted under this Rule of any site changes, changes in the operator ORC or the operator's ORC duties, or any changes in ownership.

(j) SYSTEM MALFUNCTION: For systems permitted under this Rule, the owner shall contact the design PE professional engineer, project licensed soil scientist, licensed geologist, and contractor, as appropriate, for determination of the cause of system malfunction in accordance with Rule ~~15A-NCAC 18A~~ .1961(a) of this Section. For repair of a malfunctioning EOP system, this Rule shall be followed in conjunction with Rule .1961(l) of this Section. The operator management entity Operator as identified in Table V(b) of Rule .1961 shall notify the

local health department LHD within 48 hours of the system malfunction in accordance with Rule .1961(f) of this Section.

(k) LOCAL HEALTH DEPARTMENT LHD RESPONSIBILITIES: The local health department LHD is responsible for the following activities related to the EOP system:

- (1) Perform a completeness review of the Notice of Intent to Construct to verify inclusion of information required by this Rule and indicate written verification of completeness determination;
- (2) Attend the post-construction conference to observe location of system components and start-up conditions;
- (3) Provide written ~~Written~~ confirmation of Authorization to Operate upon receipt of complete information required by this Rule;
- (4) File all EOP documentation consistent with current permit filing procedures at the local health department; LHD;
- (5) Submit a copy of the final Notice of Intent common form and written confirmation of Authorization to Operate to the Department, State, as applicable;
- (6) Review the performance and operation reports submitted in accordance with Table V(b) of Rule .1961 of this Section;
- (7) Perform on-site compliance inspections of the wastewater system in accordance with Table V(a) of Rule .1961 of this Section;
- (8) Investigate EOP system complaints;
- (9) Issue a notice of violation for systems determined to be malfunctioning in accordance with Rule ~~15A-NCAC 18A~~ .1961(a) of this Section. The LHD shall direct the owner to contact the design professional engineer, PE project licensed soil scientist, licensed geologist, and contractor, as appropriate, for determination of the reason of the malfunction and development of a Notice of Intent to Construct for repairs; and
- (10) Require an owner receiving a notice of violation to pump and haul sewage in accordance with Rule .1961(m) of this Section.

(l) CHANGE IN PROFESSIONAL ENGINEER: ~~If the design PE is no longer available to complete or follow up with the project, The Owner may contract with another registered professional engineer to complete an EOP project. the design package and all responsibilities and liabilities may be transferred to another PE if revisions to the An updated Notice of Intent are shall be submitted to the local health department. LHD. in addition to notarized signatures of the Owner and the new PE accepting the design and their agreement to adhere to the conditions and their responsibilities under the EOP.~~

History Note: Authority G.S. 130A-335; 130A-336.1; Temporary Adoption Eff. July 1, 2016.

This Section contains information for the meeting of the Rules Review Commission June 16, 2016 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Stephanie Simpson (2nd Vice Chair)
Anna Baird Choi
Jeanette Doran
Danny Earl Britt, Jr.

COMMISSION COUNSEL

Abigail Hammond	(919)431-3076
Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

July 21, 2016	August 18, 2016
September 15, 2016	October 20, 2016

**RULES REVIEW COMMISSION MEETING
MINUTES
June 16, 2016**

The Rules Review Commission met on Thursday, June 16, 2016, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Jeff Poley, and Stephanie Simpson.

Staff members present were Commission Counsels Abigail Hammond, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:03 a.m. with Chairman Dunklin presiding.

Chairman Dunklin 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 appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the May 19, 2016 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Public Safety – Division of Emergency Management

14B NCAC 03 .0104 – The Department responded in accordance with the provisions of G.S. 150B-21.12(a)(2) on May 26, 2016 and indicated that the Department agreed with the objection to the rule by the Commission from the May meeting. Pursuant to G.S. 150B-21.12(d), the rule will be returned to the agency. Additionally, the rule will be removed from the North Carolina Administrative Code. No further action is required by the Commission.

Public Safety – State Capitol Police

14B NCAC 13 .0102, .0201, .0202, and .0203 – All rules were unanimously approved.

Property Tax Commission

17 NCAC 11 .0216 and .0217 - The agency is addressing the objections from the October meeting by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Office of State Budget and Management

All rules were unanimously approved.

Medical Care Commission

All rules were unanimously approved.

Commission for Public Health

10A NCAC 45A .0101 was unanimously approved.

Criminal Justice Education and Training Standards Commission

All rules were unanimously approved.

Lauren Earnhardt from the Department of Justice addressed the Commission on behalf of the agency.

Environmental Management Commission

15A NCAC 02B .0227 was unanimously approved.

The Commission received over 10 letters of objection requesting a delayed effective date and legislative review of the approved rule in accordance with G.S. 150B-21.3(b2).

Coastal Resources Commission

15A NCAC 07H .0304 was unanimously approved.

Wildlife Resources Commission

15A NCAC 10F .0347 was unanimously approved.

Environmental Management Commission

All rules for Subchapter 15A NCAC 13A were unanimously approved.

Board of Barber Examiners

All rules were unanimously approved with the following exceptions:

The Commission extended the period of review to 21 NCAC 06F .0110.

The Commission objected to 21 NCAC 06B .0101 and .0103 based upon lack of statutory authority and ambiguity. The Commission found that the Board does not have authority to require a petitioner for rulemaking to include a summary of the contents rather than the draft required by G.S. 150B-21.2, and to ask for the effects on existing practices. Further, the Rules were unclear as written as to the effects of a rule on existing practices and what "existing practices in the area involved" means.

The Commission objected to 21 NCAC 06B .0105 based upon ambiguity. The Commission found that the language in Paragraph (a) is unclear regarding how the Chairman will determine whether the additional information or recommendations will be deemed relevant. It is also unclear what the "public interest" standard is or entails. Further, there is no guidance in the Rule on how "public interest" will be determined.

The Commission objected to 21 NCAC 06B .0301 based upon a lack of necessity. The Rule stated that unless otherwise noticed, the rulemaking hearing will be held at the Board's office. However, G.S. 150B-21.2(c)(5) requires the Notice of Text for permanent rules to state the "place of any public hearing." G.S. 150B-21.1(a)(4) requires a notice of public hearing to be posted on the OAH website for temporary rules. Therefore, the rule is not necessary, as the APA will control regarding rulemaking public hearing notices.

The Commission objected to 21 NCAC 06B .0302 based upon a lack of statutory authority. The language in the Rule encourages individuals to take an action. It does not set any standard. Further, G.S. 150B-21.1 and 21.2 set forth the timeframes for public hearings. This Rule appears to contradict those statutory timeframes.

The Commission objected to 21 NCAC 06B .0305 for lack of statutory authority and ambiguity. The Rule appears to state that the Board will accept written comments but the Rule shortens the timeframe for submitting written comments set forth in G.S. 150B.

The Commission objected to 21 NCAC 06B .0308 for ambiguity and lack of statutory authority and necessity. The Rule appears to recite G.S. 150B-21.2(h) and is therefore unnecessary. It is unclear to what types of rules (permanent or temporary) that this Rule will apply to. Further, the final sentence of the Rule is unclear as written. It allows the submission of the request prior to the hearing, but G.S. 150B-21.2(h) states that the request must be made after adoption. The agency lacks statutory authority to make the deadline earlier than the statute sets forth.

The Commission objected to 21 NCAC 06B .0503 for ambiguity. Specifically, G.S. 150B-4 requires agencies to prescribe in rule the circumstances in which declaratory rulings shall or shall not be issued. This Rule does not set any standards, but instead states that the agency may refuse to do so when the Board believes “for good reason” that the issuance is “undesirable.” As written, this Rule does not establish any circumstances when it will or will not issue the ruling, nor does it give any guidance on when this will occur.

The Commission objected to 21 NCAC 06B .0505 for ambiguity. As written, this Rule is unclear as to what the procedure is, what it will consist of, and who will determine what is required to make a decision as to what is “appropriate in a particular case.”

The Commission objected to 21 NCAC 06C .0202 for ambiguity. It does not set a standard – it simply encourages individuals to do something. Also, the Rule is unclear as written, as the rule does not offer guidance to what informal resolution the Board is referring to, or how one avails himself or herself of this remedy.

The Commission objected to 21 NCAC 06C .0203 based upon a lack of statutory authority. Specifically, the Board does not have the authority to require informal resolution before the filing of a contested case petition.

The Commission objected to 21 NCAC 06C .0501 based upon a lack of necessity, as the rule essentially recites G.S. 150B-38.

The Commission objected to 21 NCAC 06C .0909 based upon a lack of necessity, as the rule essentially recites G.S. 150B-40(e) and Rule 21 NCAC 06C .0601.

The Commission objected to 21 NCAC 06F .0116 and 21 NCAC 06Q .0103 based upon a lack of statutory authority. Specifically, the Commission found that the Board lacks statutory authority to require individuals seeking licensure from the Board to report that they are registered sex offenders, or to deny or revoke licensure due to being on the Registry. In light of these objections, the Commission extended the period of review for 21 NCAC 06F .0110, which may need to be rewritten as part of the Board’s response to these objections.

The Commission also objected to 21 NCAC 06Q .0103 for lack of statutory authority to abrogate G.S. 93B-8.1.

The Commission objected to 21 NCAC 06G .0106 based upon a lack of authority for the Board to require barbers to have five years of experience in order to qualify as barber instructors.

The Commission objected to 21 NCAC 06H .0102 for a lack of statutory authority, as the Commission found that the Board has no statutory authority to set the student-instructor ratio below that set forth in statute. In addition, the Commission found that the Board lacks authority to require a nonprofit school to be established within a State university or community college.

The Commission objected to 21 NCAC 06I .0101 based upon ambiguity. The Commission found that the phrase “substantially similar standards” is unclear as written, as the rule neither defines the standards nor sets forth how they will be determined.

The Commission objected to 21 NCAC 06I .0105; 06J .0101; 06K .0104; 06N .0104, and 06N .0106 for lack of statutory authority. Specifically, the Commission found that the Board lacks statutory authority to require applicants for licensure or certification to have high school diplomas or GED certificates.

The Commission objected to 21 NCAC 06L .0118, as the Commission found that the Board lacks statutory authority to state in Paragraph (f) of the rule that violation of Chapter 86A or any administrative rule adopted by the Board or operation of a shop that receives a failing grade shall be sufficient cause for revoking or suspending the permit. G.S. 86A-18 states that the Board may revoke or suspend the permit for violation provided the Board has previously given two written warnings to the individual committing the violation. Therefore, the Commission found that the agency is without authority to revoke a permit for failure to comply with this Rule unless the statutorily mandated two written warnings are issued first.

The Commission objected to 21 NCAC 06L .0119 because the rule was unclear as written. As stated in the Staff Opinion issued on May 25, 2016, it included many terms that were not defined and were unclear in the context of the rule.

The Commission objected to 21 NCAC 06N .0103 for a lack of statutory authority to charge a fee whenever a shop hires a new manager.

The Commission objected to 21 NCAC 06N .0108 based upon a lack of statutory authority to create a special class of out-of-state individuals seeking certification as apprentices.

The Commission objected to 21 NCAC 06N .0110 based upon a lack of statutory authority. Specifically, the Commission found that the Board does not have authority to charge a fee when someone is employed by a barber school to be the manager.

The Commission objected to 21 NCAC 06O .0120, finding the Board lacked statutory authority to create a civil penalty under the circumstances stated in the Rule. G.S. 86A-27 allows the Board to impose civil penalties for violation of the laws in G.S. 86A or any rules adopted by the Board. However, there are no cited any laws or rules that form the basis of the violations contained in this Rule.

The Commission objected to 21 NCAC 06Q .0101 based upon a lack of statutory authority with Commissioner Simpson voting against the objection. Specifically, the Commission found that the Board does not have authority to restrict the use of a barber pole to only licensees. In addition, the Board does not have authority to require an individual to “positively identify” a barber before having his or her hair cut.

The Commission objected to 21 NCAC 06Q .0104 based upon a lack of authority and ambiguity. Paragraphs (a) and (b) conflict with each other, and the application of the rule is unclear. In addition, the rule states that the Board will not act until it is satisfied with the individual’s qualifications, but the rule does not state how satisfaction will be achieved. In addition, the rule appears to add requirements to G.S. 86A-3, which states there are four criteria for receiving a barber certificate. The Board does not have authority to add to the statutory criteria.

Dennis Seavers, with the Board, addressed the Commission.

Interpreter and Transliterator Licensing Board

21 NCAC 25 .0205 was unanimously approved.

Respiratory Care Board

21 NCAC 61 .0202 was unanimously approved.

LOG OF RULES (TEMPORARY RULES)

Commission for Public Health

10A NCAC 41A .0101 was unanimously approved.

15A NCAC 18A .1971 was unanimously approved.

EXISTING RULES REVIEW

Alcoholic Beverage Control Commission

14B NCAC 15B – The Commission unanimously approved the report as submitted by the agency.

Department of Revenue

17 NCAC 01 – The Commission unanimously approved the report as submitted by the agency.

17 NCAC 10 – The Commission unanimously approved the report as submitted by the agency.

17 NCAC 12 – The Commission unanimously approved the report as submitted by the agency.

Property Tax Commission

17 NCAC 11 – The Commission unanimously approved the report as submitted by the agency.

State Human Resources Commission

25 NCAC 01H – The Commission unanimously approved the report as submitted by the agency.

25 NCAC 01I – The Commission unanimously approved the report as submitted by the agency.

25 NCAC 01J – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the reports from the State Human Resources Commission, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the reports because she is a state employee.

Department of Insurance

11 NCAC 18, 11 NCAC 20, and 11 NCAC 21 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(d)(2) no later than November 30, 2017.

COMMISSION BUSINESS

Staff gave the Commission a brief legislative update.

Commissioner Dunklin gave the Commission a brief update on the status of the lawsuit by the State Board of Education against the Rules Review Commission.

The meeting adjourned at 11:05 a.m.

The next regularly scheduled meeting of the Commission is Thursday, July 21st at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

June 16, 2016

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Doug Lassiter	NC Septic Tank Assoc
Beverly Speroff	NC DHHS DHSR
Nadine Pfeiffer	NC DHHS DHSR
Elizabeth Pope	NC Social Work Licensure Board
Ann Preston	NC DEQ - HWS
Janice Davidson	NC DOR
JOHN SEIBERT	NC DOR
Bill Craft	NC RCB
Dennis Seavers	BBE
Elen Allen	STATE CAPITAL POLICE
Carlin Schwab	NCITLB
Michael Brown	NC DOR
David Lingerfelt	NC DOR
Laura Hansford	NC DOR
Mary Ellen Jergensen	NC DOR
Lauren Eamhardt	NC DOJ / NCCJETS
Jennifer Everett	DEQ
Derek Hunter	DOJ
Elizabeth Kautis	DEQ
Jeff Poling	Commissioner
Trevor Allen	DOJ CJETS!



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

June 17, 2016

Loretta Peace-Bunch
Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 11 NCAC 18, 11 NCAC 20, 11 NCAC 21

Dear Ms. Peace-Bunch:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the June 16, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. **Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than November 30, 2017.**

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

Enclosure

Administration 919/431-3000 fax:919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
--	---	---	---	---	---

An Equal Employment Opportunity Employer

2/16/2015

RRC Determination - Periodic Rule Review

Generated 2/16/2015 at 9:05 AM

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2014 through June 30, 2015
Insurance, Department of
Total: 10**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
11 NCAC 18 .0103	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0202	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0203	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0204	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0301	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0302	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0404	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0410	Necessary with substantive public interest	December 16, 2014
11 NCAC 20 .0601	Necessary with substantive public interest	December 16, 2014
11 NCAC 21 .0106	Necessary with substantive public interest	December 16, 2014

<http://rats/Reports/RRC/periodicRuleReview.pl?sType=RRCdetermination&sDetermination=Necessary%20with%20substantive%20public%20interest&bCo...> 1/1

**LIST OF APPROVED PERMANENT RULES
June 16, 2016 Meeting**

STATE BUDGET AND MANAGEMENT, OFFICE OF

<u>Budget Manual</u>	09 NCAC 03A .0103
<u>Purpose</u>	09 NCAC 03M .0101
<u>Definitions</u>	09 NCAC 03M .0102
<u>Allowable Uses of State Funds</u>	09 NCAC 03M .0201
<u>Recipient/Subrecipient Responsibilities</u>	09 NCAC 03M .0202
<u>Subgrantee Responsibilities</u>	09 NCAC 03M .0203
<u>Minimum Reporting Requirements for Recipients and Subreci...</u>	09 NCAC 03M .0205
<u>Agency Responsibilities</u>	09 NCAC 03M .0401
<u>Office of the State Auditor Responsibilities</u>	09 NCAC 03M .0501
<u>Office of State Budget and Management Responsibilities</u>	09 NCAC 03M .0601
<u>Grant Documentation</u>	09 NCAC 03M .0701
<u>Subordination of Other Contracts Agreements</u>	09 NCAC 03M .0702
<u>Required Contract Provisions</u>	09 NCAC 03M .0703
<u>Grant Monitoring and Evaluation</u>	09 NCAC 03M .0704
<u>Noncompliance with Rules</u>	09 NCAC 03M .0801
<u>Recovery of State Funds</u>	09 NCAC 03M .0802

MEDICAL CARE COMMISSION

<u>Definitions</u>	10A NCAC 13D .2001
<u>Reporting and Investigating Abuse, Neglect or Misappropri...</u>	10A NCAC 13D .2210
<u>Nurse Staffing Requirements</u>	10A NCAC 13D .2303
<u>Preservation of Medical Records</u>	10A NCAC 13D .2402
<u>Use of Nurse Practitioners and Physician Assistants</u>	10A NCAC 13D .2503
<u>Required Spaces</u>	10A NCAC 13D .3201

PUBLIC HEALTH, COMMISSION FOR

<u>General</u>	10A NCAC 45A .0101
----------------	--------------------

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Basic Law Enforcement Training</u>	12 NCAC 09B .0205
<u>Basic Training - Juvenile Court Counselors and Chief Cour...</u>	12 NCAC 09B .0235
<u>Basic Training - Juvenile Justice Officers</u>	12 NCAC 09B .0236
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305
<u>Military Transferees</u>	12 NCAC 09B .0701
<u>Instructors: Annual In-Service Training</u>	12 NCAC 09E .0104
<u>Minimum Training Specifications: Annual In-Service Training</u>	12 NCAC 09E .0105

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Water Quality Management Plans</u>	15A NCAC 02B .0227
---------------------------------------	--------------------

COASTAL RESOURCES COMMISSION

<u>AECs Within Ocean Hazard Areas</u>	15A NCAC 07H .0304
 WILDLIFE RESOURCES COMMISSION	
<u>Craven County</u>	15A NCAC 10F .0347
 ENVIRONMENTAL MANAGEMENT COMMISSION	
<u>General</u>	15A NCAC 13A .0101
<u>Definitions</u>	15A NCAC 13A .0102
<u>Petitions - Part 260</u>	15A NCAC 13A .0103
<u>Identification and Listing of Hazardous Wastes - Part 261</u>	15A NCAC 13A .0106
<u>STDS Applicable to Generators of Hazardous Waste-Part 262</u>	15A NCAC 13A .0107
<u>STDS Applicable for Transporters of Hazardous Waste</u>	15A NCAC 13A .0108
 BARBER EXAMINERS, BOARD OF	
<u>Physical and Mailing Address</u>	21 NCAC 06A .0102
<u>Mailing List</u>	21 NCAC 06B .0202
<u>Information Requests</u>	21 NCAC 06B .0204
<u>Acknowledgement</u>	21 NCAC 06B .0306
<u>Control of Hearings</u>	21 NCAC 06B .0307
<u>Records</u>	21 NCAC 06B .0309
<u>Request for Declaratory Ruling</u>	21 NCAC 06B .0501
<u>Contents of Request</u>	21 NCAC 06B .0502
<u>Administrative Hearings</u>	21 NCAC 06C .0101
<u>Request</u>	21 NCAC 06C .0201
<u>Contents of Request</u>	21 NCAC 06C .0204
<u>Acknowledgement</u>	21 NCAC 06C .0205
<u>Notice and Hearing</u>	21 NCAC 06C .0502
<u>Additional Information on Notices and Hearings</u>	21 NCAC 06C .0503
<u>Written Answers to Notice</u>	21 NCAC 06C .0504
<u>Who Hears Contested Cases</u>	21 NCAC 06C .0601
<u>Location</u>	21 NCAC 06C .0701
<u>Requirements for Intervention</u>	21 NCAC 06C .0801
<u>Allowance</u>	21 NCAC 06C .0807
<u>Denial</u>	21 NCAC 06C .0808
<u>Bias of Board Member</u>	21 NCAC 06C .0903
<u>Bias Claimed by Party</u>	21 NCAC 06C .0904
<u>Affidavit of Disqualification</u>	21 NCAC 06C .0905
<u>Filing Affidavit</u>	21 NCAC 06C .0906
<u>Disqualification</u>	21 NCAC 06C .0907
<u>Contested Case Hearings</u>	21 NCAC 06D .0101
<u>Physical Structure</u>	21 NCAC 06F .0101
<u>Manager</u>	21 NCAC 06F .0102
<u>Filing</u>	21 NCAC 06F .0103
<u>Instructors</u>	21 NCAC 06F .0104
<u>Re-Entering School</u>	21 NCAC 06F .0109
<u>Copies of Barber School Records</u>	21 NCAC 06F .0111

<u>Student Permit</u>	21	NCAC 06F .0113
<u>Signatures on Reports</u>	21	NCAC 06F .0114
<u>Fees</u>	21	NCAC 06F .0118
<u>Intrastate Transfers</u>	21	NCAC 06F .0119
<u>Barber School Curricula</u>	21	NCAC 06F .0120
<u>Penal Institutions</u>	21	NCAC 06F .0121
<u>Uniforms and Identification</u>	21	NCAC 06F .0122
<u>Time Clock and Recordation of Student Hours</u>	21	NCAC 06F .0123
<u>Student Hours</u>	21	NCAC 06F .0124
<u>School Handbooks and Enrollment Agreements</u>	21	NCAC 06F .0125
<u>Extended Education</u>	21	NCAC 06F .0126
<u>Grades</u>	21	NCAC 06G .0103
<u>Duties and Responsibilities</u>	21	NCAC 06H .0101
<u>Forfeiture of Fee</u>	21	NCAC 06J .0102
<u>Renewal as Registered Apprentice; Waiver</u>	21	NCAC 06J .0103
<u>Student Permission to Barber</u>	21	NCAC 06J .0106
<u>Examination</u>	21	NCAC 06J .0108
<u>Identification</u>	21	NCAC 06J .0109
<u>Notification of Address Change</u>	21	NCAC 06J .0110
<u>Registered Barber</u>	21	NCAC 06K .0101
<u>Forfeiture of Fee</u>	21	NCAC 06K .0103
<u>Identification</u>	21	NCAC 06K .0110
<u>Notification of Change of Address</u>	21	NCAC 06K .0111
<u>Measurements of Barber Shop</u>	21	NCAC 06L .0102
<u>Equipment</u>	21	NCAC 06L .0103
<u>Shop Permits</u>	21	NCAC 06L .0104
<u>Fees</u>	21	NCAC 06L .0105
<u>Separation From Other Businesses; Residential Shops; Mobi...</u>	21	NCAC 06L .0106
<u>Lavatory</u>	21	NCAC 06L .0107
<u>Moved Shop</u>	21	NCAC 06L .0108
<u>Commercial Chemicals</u>	21	NCAC 06L .0109
<u>Where Barber Services May Be Performed</u>	21	NCAC 06L .0111
<u>Rented Booth Space</u>	21	NCAC 06L .0112
<u>Diseases</u>	21	NCAC 06L .0113
<u>Policy Prohibiting Pets</u>	21	NCAC 06L .0114
<u>Inspections of Shops</u>	21	NCAC 06L .0115
<u>Additional Duties of Barber Shop Owners and Managers and ...</u>	21	NCAC 06L .0116
<u>General Sanitation</u>	21	NCAC 06L .0117
<u>Notification of Change of Address</u>	21	NCAC 06L .0120
<u>Duties and Responsibilities</u>	21	NCAC 06M .0102
<u>Fees</u>	21	NCAC 06N .0101
<u>Form Bar-1</u>	21	NCAC 06N .0102
<u>Form Bar-4</u>	21	NCAC 06N .0105
<u>Form Bar-6</u>	21	NCAC 06N .0107
<u>Form Bar-8</u>	21	NCAC 06N .0109
<u>Form Bar-10</u>	21	NCAC 06N .0111
<u>Access to Forms</u>	21	NCAC 06N .0112

RULES REVIEW COMMISSION

<u>Schedule of Penalties</u>	21	NCAC 06O .0101
<u>Licensing of Barber Shops</u>	21	NCAC 06O .0102
<u>Licensing of Barber Schools</u>	21	NCAC 06O .0103
<u>Unsupervised Apprentice</u>	21	NCAC 06O .0104
<u>Unlicensed Barber</u>	21	NCAC 06O .0105
<u>Display of Current License</u>	21	NCAC 06O .0106
<u>Fraudulent Misrepresentations or Submission of Fraudulent...</u>	21	NCAC 06O .0107
<u>Inspections of Shops and Schools</u>	21	NCAC 06O .0108
<u>Expired License</u>	21	NCAC 06O .0109
<u>Adequate Premises</u>	21	NCAC 06O .0110
<u>School Instructors</u>	21	NCAC 06O .0111
<u>Identification</u>	21	NCAC 06O .0112
<u>Barber Shops in Residences and Mobile Homes</u>	21	NCAC 06O .0113
<u>Animals in Barber Shops</u>	21	NCAC 06O .0114
<u>School Failing to Maintain, Falsifying, or Failing to Sub...</u>	21	NCAC 06O .0115
<u>Unlicensed School Instructors</u>	21	NCAC 06O .0116
<u>Barber Failing to Maintain or Produce Exemption Log</u>	21	NCAC 06O .0117
<u>Unlicensed Barber Student</u>	21	NCAC 06O .0118
<u>Failure to Notify Board of Change Address</u>	21	NCAC 06O .0119
<u>Failure to Display Sanitation Grade and Shop Permit in a ...</u>	21	NCAC 06O .0121
<u>Failure to Notify Board of Change of Barber Shop or Schoo...</u>	21	NCAC 06O .0122
<u>Barbering</u>	21	NCAC 06P .0101
<u>Barbering Exemptions</u>	21	NCAC 06P .0102
<u>General Definitions</u>	21	NCAC 06P .0103
<u>Effect of Child Support Default on License or Certificate</u>	21	NCAC 06Q .0102
<u>Display of Sign or Barber Pole</u>	21	NCAC 06R .0101
<u>General Examination Instructions</u>	21	NCAC 06S .0101

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

<u>Renewal of a Provisional License</u>	21	NCAC 25 .0205
---	----	---------------

RESPIRATORY CARE BOARD

<u>Exemptions</u>	21	NCAC 61 .0202
-------------------	----	---------------

**LIST OF APPROVED TEMPORARY RULES
June 16, 2016 Meeting**

PUBLIC HEALTH, COMMISSION FOR

<u>Reportable Diseases and Conditions</u>	10A	NCAC 41A .0101
<u>Engineered Option Permit</u>	15A	NCAC 18A .1971

RRC DETERMINATION
PERIODIC RULE REVIEW
June 16, 2016

Necessary with substantive public interest

**Alcoholic Beverage Control
Commission**

14B NCAC 15B .0102
14B NCAC 15B .1003

Revenue, Department of

17 NCAC 01C .0308
17 NCAC 01C .0502
17 NCAC 01C .0503
17 NCAC 01C .0504
17 NCAC 01C .0505
17 NCAC 01C .0507
17 NCAC 01C .0508
17 NCAC 01C .0509
17 NCAC 01C .0510
17 NCAC 01C .0511
17 NCAC 01C .0601
17 NCAC 12A .0201

17 NCAC 12A .0202
17 NCAC 12A .0303
17 NCAC 12A .0503
17 NCAC 12B .0106
17 NCAC 12B .0107
17 NCAC 12B .0402
17 NCAC 12B .0403
17 NCAC 12B .0404
17 NCAC 12B .0410
17 NCAC 12B .0412
17 NCAC 12B .0413
17 NCAC 12B .0414
17 NCAC 12B .0502
17 NCAC 12C .0301
17 NCAC 12C .0302
17 NCAC 12C .0304
17 NCAC 12D .0102
17 NCAC 12D .0103

**State Human Resources
Commission**

25 NCAC 01J .1302
25 NCAC 01J .1306
25 NCAC 01J .1307
25 NCAC 01J .1308
25 NCAC 01J .1309
25 NCAC 01J .1310
25 NCAC 01J .1311
25 NCAC 01J .1312
25 NCAC 01J .1314
25 NCAC 01J .1315
25 NCAC 01J .1316
25 NCAC 01J .1318
25 NCAC 01J .1319
25 NCAC 01J .1320

RRC DETERMINATION
PERIODIC RULE REVIEW
June 16, 2016

Necessary without substantive public interest

**Alcoholic Beverage Control
Commission**

14B NCAC 15B .0101
14B NCAC 15B .0103
14B NCAC 15B .0104
14B NCAC 15B .0105
14B NCAC 15B .0106
14B NCAC 15B .0107
14B NCAC 15B .0108
14B NCAC 15B .0201
14B NCAC 15B .0202
14B NCAC 15B .0203
14B NCAC 15B .0204
14B NCAC 15B .0205
14B NCAC 15B .0206
14B NCAC 15B .0207
14B NCAC 15B .0208
14B NCAC 15B .0209
14B NCAC 15B .0210
14B NCAC 15B .0211
14B NCAC 15B .0212
14B NCAC 15B .0213
14B NCAC 15B .0214
14B NCAC 15B .0215
14B NCAC 15B .0216
14B NCAC 15B .0217
14B NCAC 15B .0218
14B NCAC 15B .0219
14B NCAC 15B .0220

14B NCAC 15B .0221
14B NCAC 15B .0222
14B NCAC 15B .0223
14B NCAC 15B .0224
14B NCAC 15B .0225
14B NCAC 15B .0226
14B NCAC 15B .0227
14B NCAC 15B .0228
14B NCAC 15B .0301
14B NCAC 15B .0401
14B NCAC 15B .0402
14B NCAC 15B .0403
14B NCAC 15B .0404
14B NCAC 15B .0405
14B NCAC 15B .0501
14B NCAC 15B .0502
14B NCAC 15B .0503
14B NCAC 15B .0504
14B NCAC 15B .0505
14B NCAC 15B .0506
14B NCAC 15B .0507
14B NCAC 15B .0508
14B NCAC 15B .0509
14B NCAC 15B .0510
14B NCAC 15B .0511
14B NCAC 15B .0512
14B NCAC 15B .0513
14B NCAC 15B .0514
14B NCAC 15B .0515

14B NCAC 15B .0516
14B NCAC 15B .0517
14B NCAC 15B .0518
14B NCAC 15B .0519
14B NCAC 15B .0520
14B NCAC 15B .0521
14B NCAC 15B .0522
14B NCAC 15B .0601
14B NCAC 15B .0602
14B NCAC 15B .0603
14B NCAC 15B .0604
14B NCAC 15B .0605
14B NCAC 15B .0701
14B NCAC 15B .0702
14B NCAC 15B .0703
14B NCAC 15B .0704
14B NCAC 15B .0705
14B NCAC 15B .0706
14B NCAC 15B .0801
14B NCAC 15B .0802
14B NCAC 15B .0901
14B NCAC 15B .0902
14B NCAC 15B .0903
14B NCAC 15B .0904
14B NCAC 15B .1001
14B NCAC 15B .1002
14B NCAC 15B .1004
14B NCAC 15B .1005
14B NCAC 15B .1006

14B NCAC 15B .1007
14B NCAC 15B .1008
14B NCAC 15B .1009
14B NCAC 15B .1010
14B NCAC 15B .1011
14B NCAC 15B .1012
14B NCAC 15B .1013
14B NCAC 15B .1101
14B NCAC 15B .1102
14B NCAC 15B .1103
14B NCAC 15B .1104
14B NCAC 15B .1105

Revenue, Department of

17 NCAC 01A .0101
17 NCAC 01C .0101
17 NCAC 01C .0102
17 NCAC 01C .0103
17 NCAC 01C .0104
17 NCAC 01C .0307
17 NCAC 01C .0316
17 NCAC 01C .0318
17 NCAC 01C .0319
17 NCAC 01C .0320
17 NCAC 01C .0322
17 NCAC 01C .0501
17 NCAC 01C .0701
17 NCAC 01C .0702
17 NCAC 10 .0201
17 NCAC 10 .0202
17 NCAC 10 .0403
17 NCAC 10 .0404
17 NCAC 10 .0405
17 NCAC 10 .0406
17 NCAC 10 .0504
17 NCAC 10 .0505
17 NCAC 10 .0506
17 NCAC 10 .0507
17 NCAC 10 .0508
17 NCAC 10 .0509
17 NCAC 10 .0510

Property Tax Commission

17 NCAC 11 .0101
17 NCAC 11 .0207
17 NCAC 11 .0208
17 NCAC 11 .0209
17 NCAC 11 .0212
17 NCAC 11 .0213
17 NCAC 11 .0214
17 NCAC 11 .0216
17 NCAC 11 .0217

17 NCAC 11 .0218
17 NCAC 11 .0219

Revenue, Department of

17 NCAC 12A .0302
17 NCAC 12A .0401
17 NCAC 12B .0102
17 NCAC 12B .0104
17 NCAC 12B .0105
17 NCAC 12B .0201
17 NCAC 12B .0301
17 NCAC 12B .0401
17 NCAC 12B .0405
17 NCAC 12B .0406
17 NCAC 12B .0407
17 NCAC 12B .0408
17 NCAC 12B .0503

State Human Resources Commission

25 NCAC 01H .0629
25 NCAC 01H .0630
25 NCAC 01H .0631
25 NCAC 01H .0632
25 NCAC 01H .0633
25 NCAC 01H .0634
25 NCAC 01H .0635
25 NCAC 01H .0636
25 NCAC 01H .0637
25 NCAC 01H .0638
25 NCAC 01H .0639
25 NCAC 01H .0640
25 NCAC 01H .0701
25 NCAC 01H .0801
25 NCAC 01H .0802
25 NCAC 01H .0901
25 NCAC 01H .0902
25 NCAC 01H .0904
25 NCAC 01H .0905
25 NCAC 01H .1001
25 NCAC 01H .1003
25 NCAC 01H .1101
25 NCAC 01H .1102
25 NCAC 01H .1104
25 NCAC 01H .1105
25 NCAC 01I .1701
25 NCAC 01I .1702
25 NCAC 01I .1703
25 NCAC 01I .1704
25 NCAC 01I .1801
25 NCAC 01I .1802
25 NCAC 01I .1804

25 NCAC 01I .1805
25 NCAC 01I .1806
25 NCAC 01I .1902
25 NCAC 01I .1903
25 NCAC 01I .1905
25 NCAC 01I .2002
25 NCAC 01I .2003
25 NCAC 01I .2004
25 NCAC 01I .2005
25 NCAC 01I .2101
25 NCAC 01I .2102
25 NCAC 01I .2103
25 NCAC 01I .2105
25 NCAC 01I .2106
25 NCAC 01I .2107
25 NCAC 01I .2108
25 NCAC 01I .2301
25 NCAC 01I .2302
25 NCAC 01I .2303
25 NCAC 01I .2304
25 NCAC 01I .2305
25 NCAC 01I .2306
25 NCAC 01I .2307
25 NCAC 01I .2308
25 NCAC 01I .2309
25 NCAC 01I .2310
25 NCAC 01I .2401
25 NCAC 01I .2402
25 NCAC 01I .2403
25 NCAC 01I .2404
25 NCAC 01I .2406
25 NCAC 01I .2407
25 NCAC 01I .2408
25 NCAC 01I .2409
25 NCAC 01J .0603
25 NCAC 01J .0604
25 NCAC 01J .0605
25 NCAC 01J .0606
25 NCAC 01J .0608
25 NCAC 01J .0610
25 NCAC 01J .0611
25 NCAC 01J .0612
25 NCAC 01J .0613
25 NCAC 01J .0614
25 NCAC 01J .0615
25 NCAC 01J .0617
25 NCAC 01J .1101
25 NCAC 01J .1303
25 NCAC 01J .1304
25 NCAC 01J .1305
25 NCAC 01J .1313
25 NCAC 01J .1317

**RRC DETERMINATION
PERIODIC RULE REVIEW
June 16, 2016
Unnecessary**

Revenue, Department of

17 NCAC 01C .0301
17 NCAC 01C .0304
17 NCAC 01C .0309
17 NCAC 01C .0310
17 NCAC 01C .0311
17 NCAC 01C .0313
17 NCAC 01C .0314
17 NCAC 01C .0315
17 NCAC 01C .0506
17 NCAC 01C .0512
17 NCAC 01C .0513

17 NCAC 12A .0101
17 NCAC 12A .0301
17 NCAC 12A .0402
17 NCAC 12A .0502
17 NCAC 12B .0103
17 NCAC 12B .0409
17 NCAC 12B .0411
17 NCAC 12C .0201

**State Human Resources
Commission**

25 NCAC 01I .1803

25 NCAC 01I .1901
25 NCAC 01I .1904
25 NCAC 01I .2001
25 NCAC 01I .2104
25 NCAC 01I .2201
25 NCAC 01I .2405
25 NCAC 01I .2410
25 NCAC 01J .0901
25 NCAC 01J .0902
25 NCAC 01J .0903
25 NCAC 01J .1012

CONTESTED CASE DECISIONS

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

*Chief Administrative Law Judge
JULIAN MANN, III*

*Senior Administrative Law Judge
FRED G. MORRISON JR.*

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter	A. B. Elkins II
Don Overby	Selina Brooks
J. Randall May	Phil Berger, Jr.
J. Randolph Ward	David Sutton

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>DEPARTMENT OF PUBLIC SAFETY</u>			
Thomas Anthony Tyger v. Victim Services Janice Carmichael	15 CPS 08771	05/17/16	
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>			
Agape Homes Inc. v. Department of Health and Human Services	12 DHR 11808	05/26/16	
Agape Homes Inc. v. Department of Health and Human Services	13 DHR 12398	05/26/16	
Harrold Associates II DDS Nickie Rogerson v. DHHS, DMA	15 DHR 01234	04/29/16	
Jessie Buie, George Buie v. DHHS, DMA	15 DHR 07341	05/10/16	
Sandra McKinney Page v. DHHS, Division of Health Service Regulation	15 DHR 09286	05/25/16	
<u>DEPARTMENT OF JUSTICE</u>			
Lisa Mae Parsons v. Sheriffs' Education and Training Standards Commission	15 DOJ 1540	04/06/16	
Crystal Sparks King v. Criminal Justice Education and Training Standards Commission	15 DOJ 02533	10/08/15	
Robert Lee Benton v. NC Criminal Justice Education and Training Standards Commission	15 DOJ 07342	04/22/16	
James Philip Davenport v. Sheriffs' Education and Training Standards Commission	15 DOJ 07442	04/19/16	31:01 NCR 67
John James Klaver Jr. v. Criminal Justice Education and Training Standards Commission	15 DOJ 07775	04/06/16	
Kevin Michael Weber v. Sheriffs' Education and Training Standards Commission	15 DOJ 08610	04/22/16	31:01 NCR 71
<u>DEPARTMENT OF TRANSPORTATION</u>			
Thomas R. Baggett v. Department of Transportation	15 DOT 09852	05/20/16	
<u>STATE BOARD OF EDUCATION</u>			
Laura Kerrigan v. Department of Public Instruction	15 EDC 03061	09/21/15	31:01 NCR 76
TPS Publishing Inc. v. State Board of Education	15 EDC 06344	04/29/16	31:01 NCR 89
<u>DEPARTMENT OF INSURANCE</u>			
Department of Insurance v. Andre Day	15 INS 07291	04/26/16	31:01 NCR 104